

VIRGINIA

A. Ewing McMichael to be postmaster at Nokesville, Va., in place of E. S. Hooker, removed.

WEST VIRGINIA

Robert S. Hornor to be postmaster at Bridgeport, W. Va., in place of D. J. Lake. Incumbent's commission expired December 18, 1927.

WISCONSIN

Herman C. Gralow to be postmaster at Woodville, Wis., in place of H. C. Gralow. Incumbent's commission expired January 7, 1928.

Fred D. Wood to be postmaster at Glenhaven, Wis. Office became presidential July 1, 1927.

Elvin E. Strand to be postmaster at Strum, Wis., in place of W. H. Call, removed.

WYOMING

Richard M. Turner to be postmaster at Frontier, Wyo., in place of R. M. Turner. Incumbent's commission expires April 4, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29 (legislative day of March 27), 1928

DIPLOMATIC AND FOREIGN SERVICE

Alexander P. Moore to be ambassador extraordinary and plenipotentiary to Peru.

DISTRICT OF COLUMBIA SUPREME COURT ASSOCIATE JUSTICE

Peyton Gordon to be associate justice Supreme Court District of Columbia.

POSTMASTERS

MINNESOTA

Frederic E. Hamlin, Chaska.

Eva Cole, Delavan.

Charles A. Morse, Elk River.

Gay C. Huntley, Hill City.

Louis W. Galour, Iona.

Clara M. Hjertos, Middle River.

Francis S. Pollard, Morgan.

TEXAS

John T. Hopkins, Longview.

VERMONT

Isabel Neary, Shelburne.

HOUSE OF REPRESENTATIVES

THURSDAY, March 29, 1928

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the fairest among ten thousand, the rose of Sharon, the lily of the valley, and the bright and morning star, to Thee we come, for Thou art our redeemer and elder brother. Draw us into the harmonies of Thy law and into the blessings of Thy grace, that we may hear the whisper of truth and the appeal of duty. May our plain, common lives be responsive to Thy call and enriched by the glory of service. We thank Thee for difficult tasks, and even for severe disciplines, for we perceive the way of life lies here. Above everything else, our Father, make us like Thee. In all the conceptions of human life there can be no loftier ambition, no deeper desire, and no sublimer purpose. Being set with determined courage, calm with fathomless peace, let our lives shine forth in the transfiguring light of Christian citizenship. Hear our prayer for Jesus' sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; and S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes.

The message also announced that under authority of section 5581 of the Revised Statutes, the Vice President had appointed Mr. SWANSON as a member of the Board of Regents of the

Smithsonian Institution to fill the vacancy in the term expiring March 3, 1929, caused by the death of Hon. WOODEBRIDGE N. FERRIS, late a Senator from the State of Michigan.

NATIONAL ORIGINS

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 148

Resolved, That upon the adoption of this resolution the Committee on Immigration and Naturalization shall have one legislative day for the consideration of the following bills: S. J. Res. 113, S. 716 (a similar House bill numbered 11351 now being on the House Calendar), and H. R. 12407; this rule not to interfere with privileged business.

Mr. SNELL. Mr. Speaker, this rule provides that the Committee on Immigration and Naturalization may call up these several bills in the order named under the rule and be considered under the general rules of the House. As to two of the bills, I understand there is no controversy whatever. As to Senate Joint Resolution 113, while it deals with a controversial matter, I do not understand that there is any controversy in regard to this extension provided for in this bill.

A year ago we extended the time for one year when the provision of the 1924 immigration bill should be put into effect relative to the question of national origins. A study has been made, and, from any information I can get, we are as practically as far away from establishing a system of national origins as we were a year ago, and we will be in the same position next year.

It is my impression that eventually we shall have to repeal this act. It can not be done at this time, but it is necessary on account of the provisions of the original bill that we should at this time again put off the time of putting into effect the national-origins provisions, or the President will issue the order on April 1 to make it effective.

So far as I know, there is no one on the Rules Committee opposed, but perhaps the gentleman from New York [Mr. O'CONNOR] may want to be heard on this rule. I yield to the gentleman from New York such time as he may wish.

Mr. O'CONNOR of New York. Mr. Speaker and gentleman of the House, this Senate resolution might be entitled a sugar-coated pill for the consumption of the electorate at the next presidential election. Congress undoubtedly will not meet, after we adjourn here in June, until after the next presidential election, and the party in power is between a Scylla and Charybdis of either repealing this provision in the immigration act of 1924 or of putting it into effect, and the party in power has not got the stomach to do either one of those two things.

On the last page of the report from the committee accompanying this bill certain figures are given from which any gentleman claiming even a slight amount of astuteness can gather the reason which prompts this gesture to the American public at this time. Many of the peoples affected by this legislation—at least so far as their descendants, relatives, and friends on the other side of the water are concerned—have some votes to cast in the next national election. The postponement of the effective date of this "national origins" provision would have one effect on certain voters, while to repeal it would have a different effect on other classes of voters. Facing that dilemma, the powers in control come in here with this gesture and say, "We shall put it off for another year," though, as everybody knows, by no calculation whatever can the provision ever be put into effect. Still the party in power is not brave enough to meet the inevitable and repeal the provision.

That is the anomalous situation which confronts this House to-day. This bill is going to pass as if everybody were for it. As for me, I am anxious to see a show-down on this question. I want an opportunity to vote for the repeal of this provision, which was stuck into the immigration law of 1924 without the consent of this House.

The immigration act of 1924 provides that on and after a certain date—that we are extending—the quota shall be based on the national origins of the inhabitants of this country in 1790 instead of being based upon the census of 1890, as it is now. It was going pretty far in audacity and unfairness to seize upon the census of 1890 instead of taking the last census available, but to go way back to 1790 would be the most brazen thing ever attempted in a legislative body.

When the immigration act of 1924 came before this House this national-origins provision was offered as an amendment. It was vehemently advocated by that late Member from Massachusetts, Mr. Rogers, but after the most careful consideration and discussion, it was voted down by our body. When that bill came back from the Senate the provision was found in it under

an amendment inserted by the distinguished Senator from Pennsylvania, Mr. REED, a descendant of one of "the oldest families in America," whatever that means. It confronted the conferees, and principally because of the short time left for the passage of the bill and because the act of 1921 was expiring, it was left in.

Three members of the Cabinet, three Secretaries, were appointed to see if this provision were ever possible of being put into effect. Their first report, as all their reports, have said it never can be done; that there were no census figures or other figures available upon which to found fair and equitable calculations. Their reports are now before this body. Compare them on the last page of this report. It was impracticable in 1924 and it is worse to-day.

Over on the other side of this Capitol there is still another scheme or vision in the concoction, introduced by one of the distinguished Senators from Indiana, Mr. WATSON. He has a brand-new idea. He says, "Let us figure out 'national origins' every year and see how it works out. We have no idea what was the make-up of the population of this country in the Revolutionary days, and we have been trying for four years to find out what were the racial strains, so let us figure it out this year and base our immigration quota on it; then next year, when we get more facts, we will base our immigration quota on it." For a stable immigration policy that is a gem!

Gentlemen, this "postponing" is the timidiest, the weakest, and the most fearful thing that has ever been offered in a legislative body. I would like to see the American Congress courageous enough to repeal it. The action we are taking to-day is an admission of weakness; it is an admission of lack of courage, and it is an admission that we are not brave enough to face the country and say that it is conceded that on the report of the three Secretaries in our Cabinet, on all the reports of all the investigators, as transmitted to this House, this thing can not be done. We should have the courage to say that, because we know in our hearts it can never be done.

Instead of taking up time here to-day to postpone the putting into effect of the "national-origins" proposition of the immigration act of 1924, we should be here to meet this issue fairly and bravely, as any legislative body should do. We should repeal the provision and for once and all wipe out this un-American proposal. [Applause.]

Mr. SNELL. Mr. Speaker, my good friend from New York has made exactly the statement I expected he would make. He and I practically agree. I would like to repeal this if we could, but we can not at the present time. So, as the gentleman from New York said in his speech, the only thing we can do is to extend it another year, when, perhaps, we can bring forth legislation which will repeal it.

Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. POUL. Mr. Speaker, I ask unanimous consent that after the reading of the Journal and disposition of business on the Speaker's table on to-morrow, I may have 10 minutes in which to address the House.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, he may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

NATIONAL ORIGINS

Mr. JOHNSON of Washington. Mr. Speaker, I call up Senate Joint Resolution 113, to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

The SPEAKER. The gentleman from Washington calls up a resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1928" and inserting in lieu thereof the figures "1929."

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, you have heard the preliminary statements by the two members of the Rules Committee as to the necessity for this postponement. The report from the committee does not go into the merits of the national-origins provision of the 1924 immigration act, and I do not intend to discuss the merits of that provision to-day. To do so would take more time than I have at my disposal. In the report on the bill we quote in full a brief debate in the Senate which shows beyond a doubt, on the statement of the chairman of the Immigration Committee of the Senate that that committee

could not come to an agreement as to a resolution for repealing it and that the best that body could do was to postpone it, which was done unanimously. To-day, at the request of the House committee, I am asking the House to pass this Senate resolution. The time, of course, will come when the national-origins provision will be before this Congress on its merits, and before that time, I assume, the Immigration Committee of the House and a similar committee in the other body will have gone further into the matter through hearings.

Mr. WELLER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WELLER. What is the status of the investigation with reference to national origins? What has the committee done, if anything? I would like to know something about the progress that has been made.

Mr. JOHNSON of Washington. The postponement for one year gives the committee of six experts, two from each of the three departments—State, Labor, and Commerce—further time in which to analyze the figures as to the origin of the stock in the United States. They have made a report recently and these six experts are convinced, after having made considerable changes, that their figures are now fairly correct and yet they say they can make some other changes.

Our committee during this Congress has held no hearings because we have been waiting for this report. The figures only came to the Congress by a resolution of the Senate calling on the President to transmit them, and, as I said a moment ago, in view of the situation in the Senate committee whereby they can not act, either to repeal or to vote down such a motion, the Senate itself by a unanimous vote passed a resolution of postponement.

Mr. WELLER. Has the gentleman been able to satisfy his mind to any better degree of the certainty or uncertainty of the census of 1790?

Mr. JOHNSON of Washington. I have given it a great deal of study, but I do not want to go into the details of that because it would take me at least an hour.

Mr. WELLER. I do not ask the gentleman to go into the details, but I would like to know something about it.

Mr. JOHNSON of Washington. If the gentleman will permit I would much rather reserve the right. I think this would be proper in fairness to both sides, would avoid extensive debate as to merits, and would be in accordance with a sort of agreement we have had. Let me add that this question is entirely nonpolitical. The postponement will give time for further study and in the meantime our own committee will have time to work on some harder problems—harder, perhaps, than the House would think. The matter of the restriction of immigration from the borders is not an easy problem and is one that will not down until it is settled. The matter of relief for relatives of declarants, fathers and mothers of citizens, under certain conditions, is a matter that will not down. Our committee has put in two hours of very hard work this morning, and I do not care whether the man is in Congress or outside of Congress, he will find that these problems that deal with such human matters are distressful and wearing.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. O'CONNOR of New York. By that statement does the gentleman mean to convey the idea that this question of whether or not we base the quota on national origins is of minor importance compared with these other problems?

Mr. JOHNSON of Washington. No; it is a very important problem, but let me say to the gentleman that it is very hard to get our committee to sit more than two days a week except when we hold hearings, and then we work for very long hours. By the grace of the House last month we were permitted to sit mornings and afternoons. Further, all the members of the Committee on Immigration and Naturalization, including myself, are members of other important committees, and continuous work in one committee is thus impossible.

Mr. O'CONNOR of New York. The gentleman takes up the problems in the order of their importance somewhat, does he not?

Mr. JOHNSON of Washington. Largely by agreed program; and then again it is somewhat according to the pressure for consideration by the Members who have introduced the bills.

Mr. O'CONNOR of New York. And the gentleman feels that the problems with which he is presently to deal with respect to humanizing the immigration act, as it is called, are much more important than this national-origins question?

Mr. JOHNSON of Washington. I do, indeed. There are 21 bills seeking amendments to the act for relief, within quotas or otherwise, for certain relatives.

Mr. EDWARDS. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman.
Mr. EDWARDS. This resolution merely extends the time one year.

Mr. JOHNSON of Washington. Yes.

Mr. EDWARDS. Does it require a report from these experts within the year?

Mr. JOHNSON of Washington. We do not call for the report, but any time we want the report such a resolution can be passed by either the House or the Senate asking for a report or the figures, or we can call the experts to the committee.

Mr. EDWARDS. Unless we require a report will we not be in the same condition a year hence that we are now?

Mr. JOHNSON of Washington. No; because we will undoubtedly get the report.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. DOUGLASS of Massachusetts. What are the prospects of the gentleman's committee taking up the question of the entire repeal of the national-origins provisions this year?

Mr. JOHNSON of Washington. That will have to be voted up or down in the committee, and before this Congress finally adjourns in March next it is bound to come to an issue.

Mr. DOUGLASS of Massachusetts. Does the gentleman think the committee will take it up?

Mr. JOHNSON of Washington. The committee endeavors to consider all bills before it.

Mr. SIROVICH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SIROVICH. Since the gentleman spoke about humanizing the law and is asking that this matter go over for one year, would the gentleman object to humanizing the law by adding an amendment to the effect that the wives and children of declarants under 21 be admitted in the meantime outside of the quota provision of the law?

Mr. JOHNSON of Washington. That is a matter pending in the committee at this very moment.

Mr. SIROVICH. Would the gentleman have any objection to such an amendment?

Mr. JOHNSON of Washington. I would not like to do that, because this is a Senate resolution and the necessity for its passage is urgent between now and the end of the week. It would be better to undertake that later.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. McREYNOLDS. Have not the experts made their report on this matter?

Mr. JOHNSON of Washington. They have made their report for this year and they think their present report is much better than the one for last year.

Mr. McREYNOLDS. What is the purpose for extending this provision if we have the report?

Mr. JOHNSON of Washington. As I said at the beginning of my statement, and as the gentleman will find in the proceedings on the floor of the Senate, the Senate committee is in a deadlock, and that leaves us the necessity of meeting that condition and joining them in asking for a postponement.

Mr. McREYNOLDS. Is it necessary to have a postponement or an extension, although the facts have been worked out?

Mr. JOHNSON of Washington. I believe the fair thing to do is to extend it.

Mr. BOX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TILSON). The gentleman will state it.

Mr. BOX. Will those opposing the resolution be entitled to recognition for one hour?

The SPEAKER pro tempore. The gentleman from Washington has one hour, which he can yield if he wishes. The gentleman can then move the previous question at the end of his hour, if he so desires.

Mr. BOX. Will the gentleman yield us time? I do not think we will use half the time over here, but will the gentleman yield some time to those who are opposed to the resolution? We do not care to go into any extended discussion, but we would like to have some time.

Mr. JOHNSON of Washington. Will the gentleman be content with 10 minutes? I do not think we should take the time for a full immigration debate here to-day.

Mr. BOX. Could the gentleman yield me 20 minutes?

Mr. JOHNSON of Washington. I will yield the gentleman 10 minutes now, and will extend the time if necessary.

Mr. BOX. Mr. Speaker, I think I know what the House will do with this resolution, and I have no disposition to consume time unnecessarily. I do not at all agree in the statement made under discussion of this rule that this provision of law will have to be repealed or that it is unworkable or that it got

into the law without consideration or by some accident, trick, or freak.

We are dealing with a vital problem, big with important issues. It is too large to be made a plaything.

The action which you will take to-day proves beyond dispute either that Congress, which passed the immigration act of 1924, and the President, who after consultation with his advisers approved it, were altogether guilty of the clumsy blundering which characterizes incompetency or that some unworthy consideration is now controlling them.

The national-origins provisions of the 1924 Immigration act, which you are again postponing, were deliberately written into a big piece of legislation. The original bill as reported by your House committee did not contain them, but they were proposed as an amendment by a scholarly and able Member of the House, the late Mr. Rogers, of Massachusetts, who argued them ably and fairly. The House adhered to the committee bill then before it, and the bill passed without these provisions. It then went to the Senate, where the bill was supported and amended by able and ripe students of the immigration problem composing the Senate committee and membership. They added these national-origins provisions. The bill then went to conference. The House and Senate conferees reconsidered the whole proposition while under no duress, but acting deliberately. The conferees of the two Houses then agreed upon these very provisions. Our conferees recommended them to us. I was a junior minority member of the House committee and was not on the conference committee, but I was then convinced that these provisions are sound and workable. Further study has confirmed me in that conviction. I joined with the chairman and his associates of the conference committee in helping to show to the House the soundness of these provisions. This House adopted them by a big majority. The President after due deliberation, and doubtless upon the advice of his Cabinet, approved the law containing them.

Mr. NEWTON. Will the gentleman yield?

Mr. BOX. I will.

Mr. NEWTON. Can the gentleman state where he stood on the question in 1924?

Mr. BOX. I stood with the conference committee after it passed the Senate and was inserted in the conference report.

Mr. NEWTON. On the floor?

Mr. BOX. I will go back further than that. It was understood among the supporting members of the House committee that we would stand like a stone wall against any amendment, which we did. The House wisely followed us. We voted against things that it might have been better to have adopted; but after the bill came back from the Senate containing the national-origins provisions, carried by the report of the conference committee the gentleman from Texas [Mr. Box] joined the chairman and his associates, along with many other Members of the House who believe in restriction, in supporting the conference report. After thorough discussion the House voted for the proposition by a large majority. The gentleman from Texas has absolutely no doubt that these are sound and workable provisions.

One gentleman this morning inadvertently misstated the principle upon which this is based. He said that it is based on the census of 1790. It is based on all information that can be gathered from every source—from history, from records everywhere, from all subsequent census reports—and will continue to take into future reckonings census reports hereafter to be made. All these constitute the strictly American base, which is the American population as it now is, counting from the beginning and continuing to be brought down to date by each successive census. It is thoroughly scientific, thoroughly sound, and thoroughly American. The computations by which it is reached can not be made exactly or in a moment, but it is a substantially accurate plan to make immigration proportionate to the population of the United States as determined by a thorough and careful computation of all of the elements entering into it.

I am not going to quarrel with gentlemen who speak excitedly and hastily about it. I am going to help save the law if I can. To do that friends of restriction must cooperate.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BOX. Yes.

Mr. O'CONNOR of New York. The gentleman referred to me.

Mr. BOX. Not by name.

Mr. O'CONNOR of New York. No; but when I said it was based on the census of 1790, of course, I did not mean that was the entire source of it. The very criticism of it goes to show that it is based on no authoritative source, but writings of so-called historians, so-called historical societies—nothing up

to this time that is a proper basis for legislation for immigration or any other purpose.

Mr. BOX. I yield no further. It is based on every source from which truth can be ascertained, census reports, reports of societies of various kinds entitled to credit. The history of our own country and of territory which we have taken over, such as that of Florida, Louisiana, Texas, and California, and even dependable foreign records, have been consulted. The members of the board of experts are capable gentlemen, members of your administration. They are men of high intelligence and great experience, and have gone about the work in a scientific and practical way. Of course, if you require a mathematically exact working out of this problem, you can not have it. Your act, based on the census of 1890, does not do it. We adopted the census of 1890 as the basis for the first quotas under the 1924 act, because it was the best approximation that we could get of what we believed would best serve the interests of the United States as an immigration law. It is a practically correct approximation. It serves the public interest, and was deliberately and carefully considered before it was adopted. What has happened since these provisions were thus deliberately enacted? They remained in the law undisturbed for about three years, but certain foreign blocs have attacked them and made threats against the political lives of those supporting them. Somebody has been running for cover since that attack began. This is the second postponement of these provisions.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. McREYNOLDS. The experts have made their report on this matter, and is there any reason for a suspension of this further, if we are going to put it into effect at all?

Mr. BOX. The gentleman from Texas does not favor this postponement and will not vote for it.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. DOUGLASS of Massachusetts. Is it not true that the Secretaries in charge of this investigation, depending upon the experts they must employ, did make the report about which the gentleman has spoken, and is it not also true that in that report they said this:

The statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended.

Mr. BOX. I have read that.

Mr. DOUGLASS of Massachusetts. Is not that true?

Mr. BOX. Oh, something like that appeared in one of their reports.

Mr. DOUGLASS of Massachusetts. That is actually printed, is it not?

Mr. BOX. Yes; that is printed, and I am like my chairman in that I do not want to say too much. Those gentlemen up there are like some of the rest of us. They say things sometimes which do not exactly chime with the facts, as shown by documents then in existence and as others know them to be. I do not accept that as a fair statement of the situation.

The law was three years old before its operation was postponed for one year the first time. You are again postponing it for one year. I submit two questions: If the law is right, why do you not let it go into effect? If it is bad, why do you not repeal it? But you do neither. Why? The foreign blocs have made you afraid to let it go into effect, while the patriotic societies and patriotic citizens who believe in restriction have made you afraid to repeal it. You are like the chap who was chased by a mad bull across the open ground and into a hole in the hill where he found a bear. If he stayed in, the bear would tear him. If he came out, the bull would gore him.

I congratulate Messrs. SABATH and DICKSTEIN, my colleagues on the committee, who oppose all restrictive measures. The mountain has come to them, for a while at least, but they must not be puffed up. This is a moveable mountain. The political winds may blow it back to its original position, where I hope it will rest. I congratulate my colleagues of the committee, Messrs. SABATH and DICKSTEIN, even if they are wrong, but I can not congratulate the country.

The SPEAKER pro tempore. The gentleman from Texas has used 10 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LaGUARDIA].

Mr. LaGUARDIA. Mr. Speaker, again we are confronted with a situation where we seek to regulate a real human problem with figures and statistics. We can not take cold figures and apply them to family and human affairs. Some of us

predicted at the time that we would have difficulty in arriving at accurate figures upon which to base the proportions under the national-origins clause of the act of 1924, and twice we have been called upon to extend the time. I take this opportunity to appeal to the Committee on Immigration to lay aside figures for a while, and give some attention to the humane side of this problem. Without in the slightest disturbing the restrictive immigration policy adopted by the Congress, we appeal for aid in so amending the law as to make it more humane and less cruel, and by that I mean an amendment, if you please, keeping within the total number of quota allowances, which will permit the uniting of families. [Applause.] The resolution sent over by the Senate offers no relief, because it simply takes from the quota side of the total and transfers to the preferential side. Take a country having 3,800 or 2,500 total quota allowance, 50 per cent of which as you know is preferential, and transfer a class of immigrants from the quota to the preferential, it brings absolutely no relief. In the name of good morals, in the name of decency, in the name of humanity, all we ask is that you permit the aged father and mother of a citizen of the United States to come in as nonquota immigrants and—

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. DICKSTEIN. Would the gentleman not also include in that class children of American citizens?

Mr. LaGUARDIA. I am coming to that. We ask that you permit children of citizens between the ages of 18 and 21 years, to be included in the nonquota status, and we ask that you permit those declarants who have not yet obtained their papers, but who immigrated prior to the act of 1924, to send for their wives and children as nonquota immigrants. I submit to the most extreme restrictionist in the House, that such a demand is not unreasonable. It would not in the slightest disturb existing labor conditions, because under the existing law the Secretary of Labor may place under bond any person who asks admission whom he believes may become a public charge. I am willing to place every mother and father of a citizen included in this nonquota status under bond that they will not work in the competitive labor market. Surely such modest requests should receive a response from the Committee on Immigration.

Mr. MacGREGOR. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. MacGREGOR. Does the gentleman not know that we are working on that now?

Mr. LaGUARDIA. Yes. I know that I have had a bill in every year since 1924.

Mr. MacGREGOR. And does the gentleman not know that we are actually working and spending several days on that proposition?

Mr. LaGUARDIA. Yes. I appeared before the committee the other day, but that has been the fact every session, and that does not relieve the trouble the gentleman has in his district and that I have in mine. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, in the hope that we shall shortly secure the relief suggested by the gentleman from New York [Mr. LaGUARDIA], I shall vote for the adoption of this resolution to defer the time of the national-origin provision for one year. But, if I were permitted under the rules, Mr. Speaker, I would offer an amendment to extend it for 21 years, so that instead of 1929 it would not go into effect before 1950.

As many of you older Members recall, when the 1924 act was being considered, I called your attention to the fact that this national-origin proposition or scheme, injected by the Senator from Pennsylvania, was impossible of ascertainment. In this I have been fully borne out, as each and every report submitted to the House by the Secretaries of State, Commerce, and Labor, whose duty it was to ascertain the quota that each and every country would be allowed has differed, and not only that, they have been obliged to admit just what I claim. It is a fact that the computations that have been made are uncertain and inaccurate. However, due to prevailing conditions, there is nothing that we can do but to extend the time in which this makeshift scheme goes into effect.

Now, I fully agree with the gentleman from New York [Mr. SNELL] of the Committee on Rules, who gave the reason why we do not repeal it. Personally, I think it should be repealed, and some day, when we have courage enough, it will be repealed, and I am hopeful that it will be shortly. All that I can do now is to agree with the committee, with the hope that it

may enable me to bring about favorable action on the pending bills that tend to grant relief to the separated families and bring the relief that is sought by all American women and the American Federation of Labor, and all organizations that have studied and understand the conditions now existing in our country.

I hope that within a few days the committee will be able to agree upon such a humane provision and that we shall be able to bring before the House a measure that will really mean something; something that will bring about a reuniting of the families, and that will also permit a few other exemptions that we are seeking to bring about.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. ARENTZ. I rise for the purpose of bringing to the attention of the gentleman from Illinois, who is a member of the Immigration Committee, the fact that I have introduced a bill asking Congress to bring into this country the minor brothers and sisters of ex-service men, men who have done so much for their country and who are simply asking for the admission of minor brothers and sisters, and allow them, now remaining in Italy or Austria or wherever they are, to come to America.

Mr. SABATH. I am and will do everything in my power to include them in the nonquota basis, just as I am trying to do for the fathers and mothers of American citizens; just as I am trying to do for the children of American citizens up to 21, and the wives and children of men who have been in the United States for many years and who have been pleading with us for years to permit their wives and children to join them. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. GREEN].

The SPEAKER. The gentleman from Florida is recognized for five minutes.

Mr. GREEN of Florida. Mr. Speaker and gentlemen of the House, I favor immigration restriction and do not believe in delaying, procrastinating, evading, and dodging the issue. I believe that inasmuch as this immigration legislation has been enacted, the proper and patriotic thing for us to do is to go on record as standing by this law.

Eighty or 90 per cent of the American citizens desire restricted immigration. They desire the protection of America for American citizens and the perpetuating of American ideals; they are not in sympathy with wedges being driven into the cracks on the plea of humanitarianism and for humanity's sake and separation of families.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Florida. A little later I will.

I sympathize with any man or with any person who is separated from his family, but I deny the charge that the Congress of the United States and the United States Government has separated families. When an immigrant comes to America and enters our country, cognizant of our laws on immigration, and elects to leave his family at home, we are not responsible, and we have not separated him from his family.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield right there?

Mr. GREEN of Florida. A little later. I have not time now. I might say that those of us who are opposed to this measure are given 15 minutes, which is not time to even begin discussion.

Those who would permit the influx into our land, or in fact, in some instances decoy to our America, undesirable alien labor in competition with the splendid American laborer surely should be estopped. Cheap labor to-day may be an expensive liability to-morrow, and surely thousands of the foreign laborers are of this class. The American citizen laborer resides among us, pays taxes, contributes to the welfare and upbuilding of society and really stands at the helm of the ship of State of our mighty Nation. On the contrary, foreign laborers drift into our country, obtain what they can for their hire, give as little in return as possible, in most cases, and then invariably thrust themselves for a charitable existence upon the society, in the founding of which they have not assisted.

The influx of all types of undesirable aliens and their amalgamation with our people causes a general weakening, physically, and mentally of our civilization; and instead of our Nation a few centuries from now being the mistress of the world, leading in art, science, invention, statesmanship, culture, and general civilized development, would it not be reasonable to believe that we may assume a secondary place as compared to those nations which have kept their blood white and purely Caucasian. I do not tell you for a certainty that our Nation is destined to great disaster, but I do tell you that it is time to, in actual-

ity, restrict, or even to stop altogether, immigrants coming to our country. In my opinion we already have enough Japanese, Chinese, Negroes, and in fact, many of the other foreign extractions and strains. It is time to stop the islands, Europe, Asia, and Africa from dumping undesirables upon our beautiful American shores. Of course, I do not mean to tell my fellow members that all people who are born in and come from foreign countries are undesirable; we must admit that there are good white people in countries other than America, but I do say that we should and must protect first America for Americans. We must protect American labor. I share with American labor the belief in the dignity of labor and in the majesty of toil, and I recognize no aristocracy save that of moral manhood.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Florida. Later.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Florida. I am sorry I have not time to yield.

Do you think it is fair, my friends, for us to open the doors and turn into America's industry undesirable or even desirable aliens who will here compete with our honest American labor? In addition to that there are many objections, many reasons why we should not listen to the plea of not separating families for humanity's sake and all that sort of bunk. We all know it and we should speak out for what we know is best and safer for America.

I believe the House of Representatives should stand on its own and not do homage to any other legislative body that would hold a whip to crack over the honest-thinking Members of Congress who are for restricted immigration. I will not listen to the behests of those at the other end of the corridor who do not believe in restriction. [Applause.]

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Mr. Speaker and gentlemen of the House, from my viewpoint I can see no reason why this resolution should be passed. If we are going to enforce this act, why not do it? This was all fought out in 1924. The experts have made their reports and this is merely an effort on the part of certain people who are not restrictionists to have this suspended. I see before me many of the same faces and the same men who met us on the floor of this House in 1924, when we had this immigration act under consideration. The same arguments were made then in reference to the kin of those in this country and from a sympathetic standpoint. They then made the same arguments they are undertaking to make now. As evidence that they do not desire this law ever put into effect, I call your attention to the statement that my good friend from Illinois made a few minutes ago, when he said he would vote to suspend it until 1950. If we are to put this into effect, then why suspend it? If you are going to repeal that section of the immigration act, then why not bring it on the floor of the House for that purpose and let us consider it?

Some suggestions have been made that there should be an amendment added to this bill providing that certain relationships should be brought into this country. Of course, there are individual cases in which this works a hardship, but whenever you let down the bars by a general statement as to relationship, then you will have flooded this country with thousands of immigrants and probably thousands of undesirables.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McREYNOLDS. I yield to my friend.

Mr. DICKSTEIN. Is it not a fact that the gentleman supported—

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. McREYNOLDS. Mr. Speaker, I have the floor and I do not see how the gentleman can take me off my feet in this way.

Mr. BLANTON. I want to get the gentleman an audience. I make the point of order that there is no quorum present.

Mr. McREYNOLDS. Mr. Speaker, I do not yield for that purpose. I have the floor.

The SPEAKER. The point of order of no quorum can be made while the gentleman is speaking. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-seven Members are present, a quorum.

Mr. DICKSTEIN. Will the gentleman yield for a question?

Mr. McREYNOLDS. My time has been partly taken up, but I will yield.

Mr. JOHNSON of Washington. I desire to ask the gentleman whether he has concluded?

Mr. McREYNOLDS. No; I have not.

Mr. DICKSTEIN. Is it not a fact that the gentleman supported the national-origins proposition in 1924?

Mr. McREYNOLDS. Did I support it?

Mr. DICKSTEIN. Yes.

Mr. McREYNOLDS. We supported it after it came back from the Senate.

Mr. DICKSTEIN. And now you want to repeal it?

Mr. McREYNOLDS. I did not say that.

Mr. DICKSTEIN. What is the gentleman's position on national origins?

Mr. McREYNOLDS. I will make my position plain. As Judge Box explained, we voted against all amendments when the immigration bill was before the House, but when it came back from the Senate with this amendment in it, considering that this legislation was vital to the welfare, the standard of living, and the very liberty we enjoyed, we then supported it in order that it could pass this House. I am not advocating the repeal of that portion of this statute at the present time, but I do say, gentlemen, that a resolution was passed a year ago suspending it at that time and another resolution is pending now to do the same thing. My position is to put it into effect or bring it before this House for repeal. That is my position and I trust the gentleman will understand me.

Now, in reference to this matter of kin folks and relationship. This same fight was made in 1924; these same gentlemen made those speeches on this floor at that time and ever since that act was passed an organized minority have been undertaking to drive wedges into that immigration law. I want to caution the Members of this House that whenever you let down the bars in one place you are letting them down in another place. For my part, I would rather tighten the reins than to loosen them.

We have had no act passed in years that redounded more for the protection and welfare of the United States than the immigration act of 1924.

At that time millions were waiting on the shores of Europe just ready to come to our country.

This is our country, and we owe a duty, not only to ourselves, but to future generations, and also to the memory of those patriots gone before us, to preserve its institutions, our form of government, and the character of our citizenship. To aid in doing this, I know of no better way than to guard well the character and number of people that enter the portals of our country.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the resolution.

The resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

Mr. SELVIG. Mr. Speaker and Members of the House, a little over a year ago Congress passed a resolution postponing for one year the application of the national-origins method of determining immigration quotas. At that time a majority of the Senate Committee on Immigration were reported by the chairman of that committee to be in favor of a permanent repeal.

The House Committee on Immigration in their report recommended that this method of determining quotas be eliminated from the 1924 immigration law. On account of the legislative situation due to the lateness in the session, the only action taken was to postpone the application of this clause for one year.

At the opening of Congress last December I introduced a bill (H. R. 292) repealing the national-origins clause. To-day, instead of having a permanent repeal resolution before us for consideration, we have again a resolution postponing the application of the national-origins method for another year.

I am in favor of a complete, final, and permanent repeal of the national-origins clause.

My reason for asking for the elimination of the national-origins method to determine the quota from each country can best be stated in the words of the department committee appointed by the Secretaries of State, Commerce, and Labor to present quota figures based on the national-origins plan.

Early in 1927 the preliminary report prepared by these experts from the State, Commerce, and Labor Departments was submitted to the Senate in a letter signed by the Secretaries of State, Commerce, and Labor, which I quote:

The report of the subcommittee is self-explanatory and is stated to be a preliminary report, yet in the judgment of that committee further investigation will not substantially alter this presentation.

Although this is the best information we have been able to secure we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We, therefore, can not assume responsibility for such conclusions under these circumstances.

In the face of "grave doubts as to the value of these computations as a basis for the purposes intended," Congress will make a grave mistake in spending any more time considering the national-origins plan. The entire clause should be repealed forthwith.

The attitude of the Senator from California [Mr. JOHNSON], chairman of the Senate Committee on Immigration, was clearly set forth on February 1, 1927, when he presented a resolution (S. J. Res. 152) asking for postponement for one year of that clause of the immigration act providing for the determination of immigration quotas based upon the national-origins clause. He said:

I desire to say that under the present immigration law the President is required to promulgate a proclamation on the 1st day of April, 1927, in respect of the national-origins provision of the law. Upon this subject two messages have been received by the Senate. The last of those messages states that the figures relied upon for the quota numbers of various countries are ambiguous and that practical legislation could not be predicated upon them.

I violate no confidence I think in saying to the Senator from Missouri that the majority of the Immigration Committee desired to repeal the national origins law, but, there being a minority in favor of it and our time being so limited, we felt that we could not at this time have definite action.

This resolution passed the Senate. The attitude of the House Committee on Immigration on the same resolution is expressed in the committee report, from which I quote:

The committee having considered the text of Senate Joint Resolution 152, to postpone for one year the going into effect of the national-origins provision of the immigration act of 1924, is of the opinion that at the end of one year from July 1, 1927, the same uncertainty as to the results of regulating immigration by means of the national-origins plan will continue to exist.

That the Secretaries of State, Commerce, and Labor will have little, if any more, positive evidence on which to base quota findings than at present.

That too much uncertainty exists as to the requirements of the law that "the President shall issue a proclamation on or before April 1, 1927," when read in conjunction with further provisions of the law.

That the uncertainty will continue from year to year.

That it seems far better to have immigration quotas for the purposes of restriction fixed in such a manner as to be easily explained and easily understood by all.

That the committee is of the opinion that the United States having started on a policy of numerical restriction, the principle of which is well understood, little will be gained by changing the method.

There is no ambiguity in those words. The House Committee on Immigration favored the permanent repeal of the national-origins clause. Why dally with it any longer? Let us repeal it and avoid the uncertainty that continues from year to year!

On February 27, 1928, the President, in response to Senate Resolution 152, submitted a communication of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, dated February 25, 1928, relative to the national-origins system of determining the immigration quotas.

This is the most recent communication signed by them. They make no recommendations regarding this much-discussed problem. They simply state:

We wish to make it clear that neither we individually or collectively are expressing any opinion on the merits or demerits of this system of arriving at the quotas. We are simply transmitting the calculations made by the departmental committee in accordance with the act.

They then submit the report of the departmental officers who were entrusted with the task of determining the quotas. It is significant to note that there are several important deviations in the 1928 estimate from the figures submitted in 1927. The advocates of the national-origins provision in striving to support their contentions, by revising annually, or oftener, the percentages of respective racial stocks in the United States, raise grave doubts as to the whole value of these computations.

They report an increase in one extensive racial element of 23 per cent, a decrease in another of 10 per cent, and so on. All of this tends to show the unreliability of this method of deter-

mining immigration quotas. To many it will seem like juggling figures; to others, like the merest guesswork; and, to not a few, this plan of apportioning quotas is seen to favor certain special classes in our land.

The problem is of far too great importance to be settled by putting into operation any law which is basically unsound and fundamentally wrong. This would be establishing a dangerous precedent.

A second reason which leads me to take the position of opposing the national-origins plan is that the effect of the clause in question would be to discriminate unduly against the people from the countries whose quotas would be reduced by this method. The immigrants from Germany, Ireland, and Scandinavia are among our best citizens. They have helped develop this country and its institutions. Their loyalty and patriotism heretofore have never been questioned. They have always responded willingly, faithfully, and efficiently to calls for the defense of our country.

I had not intended, Mr. Speaker, on this occasion to attempt to eulogize any particular nationality. We are all Americans in this country, one in loyalty, devotion, and patriotism.

I can not forbear, however, from quoting two paragraphs only from the very readable and scholarly book, *Reforging America*, by Lothrop Stoddard, in which he appraises the contributions made by the various racial strains which have made the United States what it is. On pages 110 and 111, he writes:

Another important stream of the old immigration is the Scandinavians—the people from Norway, Sweden, and Denmark, together with the Icelanders, who are of Norse blood. The Scandinavian stream did not begin to flow much before 1870, but thenceforth it ran strongly, so that to-day the Scandinavian element in our population numbers nearly 4,000,000. The Scandinavians are characteristically outdoor folk. They make fine farmers, and prefer the cold climates of our Northwestern States, where they are found in great numbers, from Minnesota to Washington, and even in far-away Alaska. Others, heeding the call of their Viking forbears, follow the sea, and are fishermen or sailors.

The town dwellers among the Scandinavians are largely skilled artisans. The Scandinavians vary somewhat among themselves. The Norwegians and their Norse brothers, the Icelanders, are rugged individuals, and are perhaps the finest of the lot. The Swedes are quicker, though somewhat less tenacious. The Danes are relatively gregarious and excel in pursuits like cooperative dairying. The general average of the Scandinavians is extremely good, with very few really undesirable elements. They are a most valuable addition to our population, especially since they assimilate better than any other element except the Anglo-Saxons. This is just what might be expected, because the Scandinavians are not only Nordic in blood, but have political traditions, social ideals, and a general outlook on life very similar to those of the Anglo-Saxon stock.

And again on the last page of this same book he states:

That (the vexatious issue of lack of unity and alienism) is why we are not progressing socially and culturally as fast as truly advanced peoples like those of Australia, New Zealand, and the Scandinavian nations.

The immigration question has aroused a widespread interest throughout the country during the past four years. Two restriction laws have been passed by Congress, one in 1921, and our present act in 1924.

The quotas of many countries, especially of Germany and the Scandinavian countries were by the act of 1924, practically reduced by one-half, as is shown in the following table:

	Act of 1921	Act of 1924
Denmark.....	5,619	2,789
Germany.....	67,607	51,227
France.....	5,729	3,954
Norway.....	12,205	6,453
Sweden.....	20,042	9,651

The national-origins provision, if allowed to go into effect, would still further reduce these quotas. In the case of Norway, the quota would be reduced from 6,453 to either (1) 2,053, (2) 2,207, or (3) 2,403, depending upon which national-origins estimate is adopted. The first, (1) is the national-origins estimate submitted in 1924. The second, (2) is the national quota submitted January 7, 1927. The third, (3) is the national-origins quota submitted February 27, 1928.

In the case of Sweden, the figures would be (1) 3,072, (2) 3,259, or (3) 3,399, depending upon which national-origins estimate might be adopted.

In the case of Denmark, the figure would be (1) 945, (2) 1,044, or (3) 1,234. In the case of Germany, the figure would be (1) 20,028, (2) 23,428, or (3) 24,908. In the case of Great Britain the quota would be increased to (1) 85,135, (2) 73,039, or (3) 65,894, depending upon which national-origins estimate is selected.

The press in Minnesota has given widespread publicity to the practical workings of our immigration policy. A recent editorial appeared in the *Minneapolis Morning Tribune*, February 4, 1928, which gives succinctly the attitude of Minnesotans regarding this entire matter. Permit me to read it:

If the national-origins clause of the immigration act of 1924 survives the present session of Congress it will not be with the consent of the Minnesota delegation in Washington. In both Senate and House there is Minnesota hostility to this feature of the law as it now stands, and the opponents are not backward about speaking their minds freely on the subject.

Minnesotans are far from being for free and unlimited immigration. They believe in sharp limitation as to the total number of eligibles in a given year, but they want the limitation to be so accomplished as to serve the best practical results not alone for Minnesota but for the country as a whole. They are able to cite figures to show that the national-origins clause as at present constituted, if permitted to go into effect in July, would unduly depress some quotas relative to other quotas, and that this relative depression would be the opposite of what the new immigration law was intended to bring about.

It is common knowledge that the avowed purpose of the revised immigration law was to keep down the quotas of nationals in southern and southeastern Europe, as compared with the quotas of northern Europe. The theory on which the quota phase of the legislation was predicated was that immigrants from the Nordic countries merge more quickly, naturally, and wholeheartedly into our social and governmental scheme than do the immigrants from southern Europe, southeastern Europe, and Russia. It was not intended that the national-origins allotment should be cut down, the number of eligibles from Germany, the Scandinavian countries, and the Irish Free State, while enlarging the number of eligibles from Italy, Austria, Hungary, and Russia, but it is said the national-origins clause, if operative, would have that general effect.

Minnesotans value highly the Scandinavian element that is woven extensively into the fabric of their citizenship, along with other nationals of northern and western Europe. They can not see that there is either wisdom or justice in reducing the quotas from Sweden, Norway, Denmark, Germany, and the Irish Free State.

As a matter of fact, the national-origins plan of "picking out immigrants" is well meant, but it is an uncertain basis on which to proceed. There is no available source of information from which to draw to make application of the law a matter of scientific accuracy. Immigration should be limited, but the limitation should be rationally accomplished if we are to serve best the economic, social, and political welfare of the Nation. When a law does not work out as it was avowedly intended to do, there is something wrong with it.

Instead of merely postponing the national-origins clause for a year, as is contemplated in the pending resolution, the clause should be permanently repealed.

A committee of experts, in endeavoring to work out the national origins of the present population in the United States, has found a difficult and confusing problem. It is impossible to evolve the quotas from the statistics of immigration and emigration available. This lack of statistics and data definitely precludes the possibility of establishing national origins with scientific accuracy.

The three estimates already submitted bear this out. In addition there have been numerous other estimates worked out by individuals and by various groups who have given time and study to this problem, which are defended with equal show of authority.

Because of the difficulties involved and the lack of scientific accuracy of any figures presented, widespread dissatisfaction with the new quota is bound to result. The national-origins feature of the 1924 immigration act was passed through Congress without receiving the critical examination its importance justified. Permanent and satisfactory adjustment of the matter can only be reached by the repeal of the national-origins clause of the immigration act of 1924.

Instead of merely postponing the repeal for one year, let us make the repeal permanent, and let us do it now!

MR. DOUGLASS of Massachusetts. Mr. Speaker, the manner in which the resolution deferring the operation of the national origins clause of the immigration act of 1924 was railroaded through the Senate recently, and through the House here to-day, very well substantiates the charge made during the debate on the floor of the House to-day that the suspending of the opera-

tion of the law at this time is nothing more than a vicious political gesture, calculated to eliminate the vital issue embodied in the national-origins method of establishing immigration quotas from being a source of trouble to the Republican Party in the campaigns this presidential year.

There is absolutely no good reason for not facing the issue at this time by taking up my bill, which provides for the outright repeal of national origins. This second postponement was brought about following a recent visit, made upon special invitation, I am informed, of the Senator from Pennsylvania, author of the pro-British national-origins clause, to the White House, at which time it was made known that national origins must be put out of the way this year.

It was not those seeking the repeal of national origins who brought about this latest postponement in either the House or Senate, but rather the friends of the iniquitous clause, who have the hope that next year with presidential and congressional elections not to be worried about national origins, as a method of establishing immigration quotas, will be foisted upon the country and the pro-British fanatics in America will be assured of having their ranks augmented annually with over 50 per cent of all of the world's immigration coming to this country from Great Britain and Ulster Ireland.

Mr. TILLMAN. Mr. Speaker, I have the utmost faith in our country, but we have serious problems confronting us. I have in mind particularly the immigration problem. As a nation we have done many foolish things, but in the end, if we work loyally together, we will correct wrongs and mistakes and build a greater America.

America began by the coming here of a race of manly men, pioneers from the best stock of the Old World, who came here to found and construct a great commonwealth. The Indians found here were few in number, had not improved their opportunities, left no real mark on the country, and under the laws of God and nature gave way to a better and a bigger people. The Indian has suffered wrongs, and yet as between him and the white man the thing happened that should have happened. There are no buffaloes now, but there are New York, Philadelphia, Washington, New Orleans, Chicago, Denver, and San Francisco. There are no big-painted Indian chiefs left, but there have been Websters, Clays, Edisons, Washingtons, Lees, Vanderbilts, Wrights, Lindberghs, the Mayo brothers. There are but few wigwags and tepees, but we have the Capitol, the Congressional Library, the Washington Monument, the Singer Building. There are no more birch canoes but we own the *Leriatan* and the battleship *Texas*. There are no more Indian trails but we have 249,398 miles of railroad trackage.

NATIONAL RECONSTRUCTION

The alien problem and the negro question are the two serious obstacles to the construction of an ideal and lasting commonwealth. The northeast contains dangerous blacks, reds, and alien radicals, a situation calling for Federal intervention, such as bills now pending seek to offer.

Let me call your attention to the real situation in respect to this great question. We have approximately 100,000,000 whites. About half of this is fine stock, north European, English, Scotch, Irish, German, Dutch, Scandinavian, and others of lesser importance.

The bad element of our population consists of about 15,000,000 of recent importations from southern and eastern Europe. Add to this 10,000,000 negroes, 1,500,000 mongrels, and about 200,000 other undesirables. Now, let us deport those that can be and should be deported and begin the process of assimilating those that can be assimilated and Americanized, and limit future immigration to the lowest possible numbers.

One thing is certain, mass immigration must stop; and we must remake America, depending on the sturdy and polite Southerner, the business-loving Northerner, the sober and energetic middle westerner, and the eagle-eyed far westerner to do the big job.

LET US AMERICANIZE AMERICA

There should be no white and black intermarriages or intermixture. It is best for both colors that there should be drastic legal prohibition of white and black intermarriage and racial intermixture. The North with its large negro population now understands what the race question actually means. Some Northern States still permit marriages between negroes and whites, but such marriages are few, and happily so.

Sexual relations between whites and blacks should be prohibited under the most severe penalties.

Complaint is often made that the negro is disfranchised in the South. He is. It is done by means legal and constitutional,

with good results for both races. The South will maintain white supremacy; has done so and will continue to do so, and by this course both whites and blacks have made progress, materially, socially, educationally.

Let it be known that the South is determined to yield no part of her creed as to who is best fitted to govern and as to what color will govern. Both races can not govern jointly. The pale-face dominates wherever he sets his foot, and the goal of mankind is thus thrust ahead. If the Japanese were in the majority on the Pacific coast, the white men and women would continue to rule. If the negroes were more numerous than the Irish in New York City and in Massachusetts, the Irish would remain in control. Save by very superior force of arms, no colored race can hope to govern any State in this Union.

Another matter in this connection:

Those of us who favor quota legislation have been asked for our motive in voting for this idea.

It was ascertained in 1909 that the illiteracy of the English was 0.7 per cent, the Scotch 0.5 per cent, the Scandinavian 0.2 per cent, the Irish 1.5 per cent, the Germans 6.3 per cent, while that of the south Italians was 56.9 per cent, the Russians 42.7 per cent, the Poles 39.9 per cent, the Greeks 26.1 per cent, and that of the Bulgarians, Serbs, and Montenegrins, 46.5 per cent.

From this it appears that the illiteracy of immigrants from southern and eastern Europe is over twelve times as great as that of aliens of northwestern Europe, and that the illiteracy of Armenians, Japanese, and Syrians is great. A man may be illiterate and not vicious or undesirable, and yet the best test of his fitness perhaps is the educational test.

Mr. MAAS. Mr. Speaker, it is most regrettable that this session of Congress did not see fit to repeal the national-origins clause of the 1924 immigration act outright and dispose of this question once and for all. However, under the circumstances I can not see that the House is to blame for the present situation. There is nothing else for us to do but to postpone the operation of this clause for another year. I join with the majority of the Members of this House in their desire to strike this provision from the bill at this time, but also agree with them that the better part of wisdom is to accept postponement for a year inasmuch as it is quite apparent that repeal at this particular time would be impossible.

I certainly feel that it is very much wiser to take the attitude that we will accept postponement now, and then repeal the bill at the next session, than to say that we will have "repeal now or nothing," when in this case "nothing" means that the national-origins clause will actually go into operation. After all, the real object is to prevent the operations of that most pernicious quota provision. In the meantime the country is becoming well acquainted with the viciousness of this provision and I feel very certain that by the next session of Congress sentiment will be such that the law can be easily amended and the national-origins clause stricken out of the immigration act. I most heartily favor the principles of restricted and selected immigration. Immigration is purely a domestic matter, and at the present rate of increase in population in the United States it is very necessary to call a halt to general influx of other peoples. The best test of those desired is the proportion of those foreign peoples who have come into this country and shared in its upbuilding. The present quota basis establishes that very nicely and is for the best interest of all the people of this country. It is not desirable, nor would it be humane to entirely shut out immigration nor is it wise or desirable to artificially change the proportions of those people who will come into this country from the proportions of those people who came and did the most for building up of this great Republic. If the national-origins clause is put into effect, it would militate particularly against the Germans, Irish, and Scandinavian peoples. It is these very peoples who have formed the backbone of the development of the great Northwest. They assimilate readily and make the most loyal and substantial American citizens. Almost without exception they become naturalized and take an active and intense interest in civic affairs, both locally and nationally. From these peoples have come some of our greatest statesmen and leaders. I think it is only fair to serve notice, however, that while we are accepting postponement now that we intend to repeal this national-origins provision at the next session of Congress and that we have no intention of longer temporizing on this question.

EXEMPTION OF AMERICAN INDIANS BORN IN CANADA FROM THE OPERATION OF THE IMMIGRATION ACT OF 1924

Mr. MacGREGOR. Mr. Speaker, I call up the bill (S. 716) to exempt American Indians born in Canada from the operation of the immigration act of 1924.

The SPEAKER. The gentleman from New York calls up the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the immigration act of 1924 shall not be construed to apply to the right of American Indians born in Canada to pass the borders of the United States: *Provided*, That this right shall not extend to persons whose membership in Indian tribes or families is created by adoption.

Mr. MACGREGOR. Mr. Speaker and Members of the House, this bill permits Indians born in Canada to pass and repass the borders of the United States. It is approved by the Department of Labor.

Under the Immigration Act of 1924, Indians are not permitted to cross the borders because they are ineligible to citizenship. Under the Jay treaty of 1794 between the United States and Great Britain, the Indians were permitted to pass and repass the borders of the country, and it was not until quite recently the Department of Labor discovered that they are not eligible to admission, it being determined that they were ineligible to citizenship. Therefore they were not permitted to visit their relatives in this country and pass to and from the reservations on each side of the line.

Mr. CELLER. Will the gentleman yield for a question?

Mr. MACGREGOR. Certainly.

Mr. CELLER. What body determined that the Indian was an alien?

Mr. MACGREGOR. They are not eligible to citizenship.

Mr. CELLER. I know; but what body determined that an Indian is an alien?

Mr. MACGREGOR. What body?

Mr. CELLER. Was it a court or the Committee of the House on Immigration? What body vested itself with authority to determine that the Indian is an alien?

Mr. MACGREGOR. I see the gentleman's point.

Mr. CELLER. Can the gentleman answer the question?

Mr. CARSS. They were the original inhabitants of the United States.

Mr. MACGREGOR. We took the land away from the Indians and now we are not permitting them to even go to and fro on the land which they originally possessed.

Mr. CELLER. Does not the gentleman think this act is absolutely unnecessary?

Mr. MACGREGOR. I think so myself, but the Department of Labor will not admit them.

Mr. CELLER. Have not the courts decreed that the Indian is not an alien?

Mr. MACGREGOR. That question was passed upon in a case which arose in the district court in Philadelphia—

Mr. SABATH. This applies to the Canadian Indians.

Mr. COLTON. That is the point, exactly.

Mr. MACGREGOR. Let me finish answering the question of the gentleman from New York.

Mr. CELLER. I would like to hear the gentleman's views on that.

Mr. MACGREGOR. The court decided in this case that the Indians are entitled to admission irrespective of the immigration act of 1924 or the Jay treaty or anything else, but the department does not recognize decisions of United States district courts.

Mr. BLACK of New York. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. BLACK of New York. Does the Prohibition Department approve this act? [Laughter.]

Mr. CARSS. Do the Canadian immigration authorities permit Indians who are citizens of the United States to enter Canada?

Mr. MACGREGOR. Oh, yes; they have no difficulties about that.

If there are no further questions, Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MACGREGOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

REFUND OF VISA FEES

Mr. JOHNSON of Washington. Mr. Speaker, under the rule I desire to call up the bill (H. R. 12407) to authorize the refund of visa fees in certain cases.

The SPEAKER. The gentleman from Washington calls up the bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who made application to a consular officer for the visa of his passport or other travel document, or to whom such a visa was issued, between July 1, 1923, and June 30, 1924, inclusive, shall, upon application made within two years after the enactment of this act, be entitled to a refund of the fees collected for such service if such person shows to the satisfaction of the officer to whom application for refund is made that he (1) never proceeded to the United States, or (2) proceeded to the United States under such visa and was excluded because of the exhaustion of the quota of his country or, if he arrived in the United States after June 30, 1924, because of his failure to have an immigration visa, required by the immigration act of 1924, or (3) proceeded to the United States under an immigration visa (whether or not he was admitted to the United States), having paid the required fee of \$10 for such immigration visa and the application therefor. In the event that any person entitled to the refund authorized in this act has died since the issuance of the visa of his passport or other travel document, or the execution of an application therefor, such refund may be made, upon application made within two years after the enactment of this act, to a duly authorized legal representative of the estate of such deceased person, or, if there is no duly authorized legal representative, then to the persons found by the Secretary of State to be entitled thereto.

SEC. 2. An applicant for a refund authorized under the provisions of section 1 shall, (1) if he resides abroad, made application for such refund to the consular office in the district in which he resides, or (2) if he has been legally admitted to and resides in the United States, makes application for such refund to the Secretary of State. Any such person who resides abroad but does not reside within any consular district may make application for a refund to the consular office nearest to his place of residence. The Secretary of State shall cause the amount of the fee collected to be refunded, (1) upon proof satisfactory to him of the identity of the person making application, and (2) upon receipt by him of a statement in writing from any consular office stating that the records of that office show that the person in whose behalf claim for refund is made applied for or was issued a visa at such consular office.

SEC. 3. The Secretary of State is authorized to make regulations for carrying out the provisions of this act.

SEC. 4. There is hereby authorized to be appropriated the sum of \$160,000, or so much thereof as may be necessary, to carry out the provisions of this act. No amount shall be paid as a refund under the provisions of this act unless an appropriation under the authorization contained in this section is available therefor.

The SPEAKER. This bill is on the Union Calendar.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, this bill is made necessary by the fact that at the time of the passage of the 1924 act, and prior thereto, there was no limit on the number of visas that could be issued to prospective immigrants by consular officers.

The temporary quota law permitted all who had such visas on their passports to enter this country if they could arrive by a certain time. There was a time limit which ran against them. The visas were secured for months in advance, and since the 1924 act the number of people having visas, represented by this sum of money, say, about 15,000, have not been able to get to the United States, and many of them are asking for a refund. These requests are being made by the ambassadors from the various countries. The bill has merit and is one that should pass. Close family relatives who had paid these visa fees have been given preference, and all, exceeding 2,200 or so, have reached the United States.

Mr. DICKSTEIN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker and Members of the House, if you had given any particularly study to this bill, you would find there is more behind it than what my good friend the chairman of the committee has just said.

You must bear in mind that in 1923 the American Government visined through its consuls certain passports of prospective immigrants who had been examined and found fit to enter the United States of America. They paid their fee to the Government, and the Government of the United States accepted the money, with the assumption that they would be permitted to enter the United States of America. Now, about four years afterwards, instead of allowing these people to enter the United States under a proper visa made by the American consul, we

are waking up at this late time by saying that the visas we gave you in 1923 are no good, that the American Government will return you the \$10 you paid in 1923, or at any other time, but you can not enter this country.

Mr. BOX. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. BOX. Is it not a fact that they were not immigration visas—that the fact that they did not use them grew out of the fact that we adopted a law that gave the country a smaller quota?

Mr. DICKSTEIN. That is more reason why the American Government should recognize the visas that were made and given by the American consuls to the prospective immigrants. The trouble was that at the time these visas were issued to the prospective immigrants they believed there were plenty of quota numbers left for them in the quota, and there were sufficient numbers left in the quota until we passed the 1924 act, which completely cut off all prospective immigrants who sold every piece of property they had, believing that the American Government would honor their own visas. As a matter of fact, some of them who had real and personal property who were hundreds of miles away from the American consulate had traveled days and weeks to reach the consulate. They had no further common interest in their country of birth and left their homes in order to come to the future land of opportunity, which they expected to make their permanent home.

Mr. CELLER. And the immigrant had complied with all the conditions of the law then existing.

Mr. DICKSTEIN. Absolutely; relying on the good faith of the American Government, relying on their visas, they have sold their property, as I stated, and they were not, like my colleague, Mr. GREEN, from Florida, has stated, the scum of the earth; and I do not believe the gentleman knows what he is talking about, for I do not believe he ever read the immigration law nor how it is applied. The fact is, the immigrant, before he can come into the United States, is examined by both the consul and the physician and the advisory board as to whether he is mentally and physically able to enter the United States. And unless he or she complies with all the requirements of the act of 1917 as to his or her fitness he or she can not enter.

Mr. O'CONNELL. How many immigrants will this bill affect?

Mr. DICKSTEIN. Several thousand.

Mr. O'CONNELL. How do they reach the number?

Mr. DICKSTEIN. They give the visas to those persons who were holding such old visas issued prior to 1924. In other words, I do not exactly oppose this bill if Congress desires to return visa fees to those who do not want to make use of their visas. It seems to me unfair and unjust to make the immigrants believe that they hold an American visa which will allow them to enter the United States and then pass a quota law cutting them out, and after four years wake up and say we will return your money when these men have sold their property, broken up their little homes in the country where they came from. I do not think that is fair. I say that we ought to pass legislation recognizing and honoring our own visas. I think that should be done in spite of the fact that it is not with the approval of my colleague from Florida.

Mr. GREEN of Florida. Then the gentleman is in favor of open immigration?

Mr. DICKSTEIN. No; I am not in favor of open immigration. For the benefit of the gentleman from Florida and others who believe as he does let me call attention to a little history of our immigration problems.

In addition to the problem itself, there is always the question of an adjustment to be made by those who by the ties of blood and kinship are related to the immigrant, and the solution of the immigration problem requires principally a full determination as to what effect, if any, our policy can have on those who have a right to humane consideration of their own peculiar position in any matter affecting the welfare of their families.

I fully agree with my colleague [Mr. GREEN] that immigration in this country should be limited in some way. The trouble, however, with the existing law is that it seeks to limit immigration into the United States, not by quality but by number, and particularly it ignores the fact that no particular race or group is in any way superior to any of the classes or groups.

The obvious purpose of this discrimination is the adoption of an unfounded anthropological theory that the nations which are favored are the progeny of fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock. No

scientific evidence worthy of consideration was introduced to substantiate this pseudo-scientific proposition. It is pure fiction and the creation of a journalistic imagination. All we know is that these immigrants are all human beings, and none of them is regarded by the majority of the committee as undesirable so long as they meet the test of the act of 1917.

Those who in the past have been admitted into this country, whether born in one part of Europe or another, have been industrious and useful accessions to our population. Many of them have become citizens and have performed their civic duties, and during the war entered our Army and Navy in large numbers, and were loyal to our Government. Their children, whether they were born in this country or arrived here at an early age, have been trained in our public schools and can rarely be distinguished from native Americans of elder generations.

Those who have come from the lands upon which a bar sinister is to be imposed have made valuable contributions to science, art, and literature, to a hundred different industries, to every imaginable form of commerce, and have performed much of the heavy work in our mines, furnaces, manufactories, farms, and forests, upon our railroads, and other public works. Without them our material progress would not have been as rapid as it has proved to be, and they are needed to-day as they have been in the past.

It is closing our eyes to known facts to suggest that this country, large sections of which are sparsely populated and whose development has not even begun, can not absorb additional immigrants and that hereafter only men of certain types or of certain creeds or nationalities may be added to our great army of workers.

In their eagerness to indulge in this discrimination the restrictionists, who have made propaganda for it and who do not understand the real sentiment of this country, forget that hundreds of thousands of immigrants have come to this country for the purpose of making it their home, of rendering loyal service whenever called upon to do so, and of exerting themselves in every direction to advance its interest; and, notwithstanding statements to the contrary, these immigrants have become citizens of the United States, and that they, as well as their children, are proud and grateful for that privilege.

What, we beg to ask, can be their sensations when they are told that it is proposed by an act of Congress to declare them, because of their birth and ancestry, to belong to an inferior class, and that those of their blood are henceforth to be discriminated against in our immigration laws? Is it to be expected that they will conceive that those who by this legislation would be pointed out as a favored class are superior morally, physically, or mentally? Such an assumption would be contrary to human nature.

It is inevitable that a feeling of resentment would be engendered by such action. It would be the first instance in our modern legislation for writing into our laws the hateful doctrine of inequality between the various component parts of our population. The consequences of such differentiation would be deplorable, and in the end would be heard above the strident outcries of those who are seeking to stimulate and foster racial, religious, and national hatreds, which carry with them a curse wherever they prevail.

It is particularly deplorable that the immigration law to-day does not permit a prospective citizen to settle in this country with his family and become fully Americanized. No reason exists, for instance, why, if a man be admitted to the United States, passing all requirements and qualifying himself under the existing immigration law, his wife and children should not likewise be admitted to the United States as a matter of course. No reason exists why Congress should not provide by appropriate legislation that, instead of admitting individual immigrants, immigrants and their families should be admitted simultaneously into this country.

After all, it would be in line with our national traditions to foster the union of families rather than compel their separation, as is so cruelly done under the present immigration law.

Whether Congress ultimately adopts the "national-origin provision," which Congressman GREEN seems to think so much of, is immaterial for the purpose of my idea as to what the law should accomplish. I believe that we must see to it that in any legislation passed provision be made for the union of families rather than for their separation.

As to this particular bill I should think it would be more humane to recognize visas issued by the American consuls abroad to prospective citizens and permit them to enter the United States in exemption of the quota instead of asking Con-

gress to return to these immigrants after four years of waiting for their admission to the United States the visa fee. The committee should have proposed a request from Congress to permit the admission of all persons who hold old visas believing in the good faith of the country that they would be sooner or later recognized.

We must bear in mind that at the time these visas were issued by the American Government prior to 1924 these immigrants had a right to believe that the Government of the United States would honor their own visas. Instead therefore Congress passed a 1924 immigration act which practically put them out and they have been waiting ever since for legislation to take care of this situation. But instead of enacting such legislation as would be in accord with American teachings of humanity you are forcing these people to receive their money and leaving them upon the open sea. I submit that this legislation is not for the best interests of this country.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That any person who made application to a consular officer for the visa of his passport or other travel document, or to whom such a visa was issued, between July 1, 1923, and June 30, 1924, inclusive, shall, upon application made within two years after the enactment of this act, be entitled to a refund of the fees collected for such service if such person shows to the satisfaction of the officer to whom application for refund is made that he (1) never proceeded to the United States, or (2) proceeded to the United States under such visa and was excluded because of the exhaustion of the quota of his country or, if he arrived in the United States after June 30, 1924, because of his failure to have an immigration visa, required by the immigration act of 1924, or (3) proceeded to the United States under an immigration visa (whether or not he was admitted to the United States), having paid the required fee of \$10 for such immigration visa and the application therefor. In the event that any person entitled to the refund authorized in this act has died since the issuance of the visa of his passport or other travel document, or the execution of an application therefor, such refund may be made, upon application made within two years after the enactment of this act, to a duly authorized legal representative of the estate of such deceased person, or, if there is no duly authorized legal representative, then to the persons found by the Secretary of State to be entitled thereto.

Mr. SABATH. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, after the word "inclusive," insert the following: "Shall be permitted to enter the United States outside of the quota."

Mr. BOX. Mr. Speaker, I make a point of order that the amendment is not germane.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. JOHNSON of Washington. Mr. Speaker, this bill has to do with certain visa fees before we had the immigration law. This is to refund the money. It has nothing to do with the admission of immigrants, quota, nonquota, or otherwise. The amendment is an amendment of the immigration law of 1924.

Mr. SABATH. Mr. Speaker, I wish to be heard on the point of order if the Chair desires to hear me.

The SPEAKER. The Chair will hear the gentleman.

Mr. SABATH. Mr. Speaker, this bill has to do with the refunding of certain sums of money received for immigration certificates or for visas, which the Government received for the visas which permitted these people to come into the United States. Were it not for the act of 1924, they would be entitled to enter the United States under the law. Consequently I think it is germane to the bill.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. JOHNSON of Washington. To make it clear, there was no immigration visa prior to 1924, as such. There was a visa on the passport.

Mr. SABATH. We called them passports.

Mr. JOHNSON of Washington. And a different system has been adopted since that time.

Mr. SABATH. But no one could enter without having a passport, and they could enter after receiving the passport.

Mr. O'CONNOR of New York. Mr. Speaker, as I understand the amendment, and I examined it before it was offered, I think it is germane. This bill relates to the relief of certain people in connection with the immigration law. The bill itself would offer them one kind of relief, namely, the return of money. The

amendment offers them another kind of relief, which they understood they were getting when they paid their money. This does not change the nature of the legislation. Any kind of legislation here can be amended as to the relief of the people to whom the legislation pertains, but instead of giving them their money back which they paid to come into the United States, the amendment merely provides that the United States shall carry out the bargain or understanding or assumption and will keep the money and let them come in outside of the quota. I submit to the Chair that the amendment is germane.

The SPEAKER. The Chair is prepared to rule. The Chair can find nothing in this bill that has anything to do with the admission of immigrants, the quota notwithstanding. He thinks it clearly has nothing to do with any of the provisions of the bill as it exists and is not germane, and, therefore, sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 2. An applicant for a refund authorized under the provisions of section 1 shall, (1) if he resides abroad, made application for such refund to the consular office in the district in which he resides, or (2) if he has been legally admitted to and resides in the United States, makes application for such refund to the Secretary of State. Any such person who resides abroad, but does not reside within any consular district, may make application for a refund to the consular office nearest to his place of residence. The Secretary of State shall cause the amount of the fee collected to be refunded, (1) upon proof satisfactory to him of the identity of the person making application, and (2) upon receipt by him of a statement in writing from any consular office stating that the records of that office show that the person in whose behalf claim for refund is made applied for or was issued a visa at such consular office.

The SPEAKER. Without objection, the word "made," in line 19, page 2, will be changed to the word "make."

There was no objection.

Mr. SIROVICH. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The Chair recognizes the gentleman from New York.

Mr. SIROVICH. While I do not desire in any way to cast any aspersions upon any Member of this distinguished body, I feel that the time has come when I must take exceptions to the remarks of my distinguished friend from Florida [Mr. GREEN], who has spoken in a derogatory fashion against the foreigners of our country.

The citizenship of the United States is composed of two groups. First, there is the man who gives up everything which he holds near and dear in life and selects this country as the land of his adoption. We refer to him as an American of foreign extraction. Second, we have the native American, through accident of birth. These two constitute the modern American to whom the Constitution guarantees the inalienable right to the pursuit of life, liberty, and happiness. In return for this great privilege of citizenship the native American and the adopted American have contributed their all upon the altar of our Republic through agriculture, science, art, literature, philosophy, industry, and through every form of human endeavor, to make this the greatest nation upon the face of the globe, the haven for peace, prosperity, and happiness for all who live under our flag. Thus, we recognize them not as native Americans or foreign Americans but as Americans true to the ideals of the founders of our Republic and to our glorious institutions. [Applause.]

Mr. Speaker, I have the honor to represent the fourteenth congressional district of New York City, one of the most congested communities in the United States, a district composed of almost every race, creed, and color of our country—native Americans and adopted Americans—and I challenge the statement of the gentleman from Florida [Mr. GREEN] that these foreign Americans of my district or any other district are less loyal and patriotic to our country than any of his native Americans from the State of Florida. [Applause.]

The foreigners of our Nation are not a gang or horde of out-cast immigrants that the slums of Europe vomit forth to live and swarm together like some foul insect larvæ, but they are uniformly honest, conscientious, intelligent, and trustworthy Americans who are contributing through their toil, labor, and service to the prosperity of our Nation and to the material welfare and happiness of our country. Yea, even upon the battle field they have bared their breast to the shot and shell of enemy nations who have attempted to destroy the existence of our country. [Applause.]

In the East Side of New York, the district from which I come, there was gathered together in the last war a regiment

known as the Lost Battalion. It was composed of cigar makers, tailors, furriers, carpenters, conductors, and many other vocations. Many of these men were not even citizens of this their adopted country, yet when the bugle summoned them to their country's call they gave their last full measure of devotion to the land that they had selected as their home. Their life blood saturated many a battle field upon the plains of France. Their maimed and crippled bodies have hallowed many a battle field, and the humble shaft or tombstone which commemorates their memory has written upon it the inscription: "They gave their life to fight for their adopted country. What will you native Americans do to preserve it?" [Applause.]

Let me tell the gentleman from Florida that the reason his State is in such desperate straits to-day is because they have not enough immigrants to plow their fields, to cultivate their soil, to fill the empty dwellings that are looking for tenants and to take advantage of that wonderful climatic condition with which nature has blessed Florida.

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I can not yield. The gentleman refused to yield to others when he had the floor.

Mr. GREEN of Florida. But I did not jump on the State of New York. I would like to say that the State of Florida has an annual acreage yield as great as any State in the Union.

The SPEAKER. The gentleman from Florida will be in order.

Mr. SIROVICH. Mr. Speaker, I have been in Florida on many occasions and some of my dearest friends have lost a great deal of money in that beautiful State.

I can testify to what Florida yields. It yields sunshine and flowers. It is the place where winter spends its summer. It is the country of promise and the land of rainbows, and, above all, where wild acreage meets and greets you wherever you go. What a splendid contribution the distinguished gentleman from Florida could contribute to his State if he opened the gates of opportunity to allow selected immigrants from Europe to come into his native State and there help to develop that wonderful land which is to-day going to waste because there is no one to till the soil, no one to fill the empty houses that are crying for tenants, and no one to collect the crops that are being burned by the ravages of the sun and the tempests of the elements. Mr. Speaker, I want the gentleman from Florida to realize that he has insulted 40,000,000 people in the United States who are the sons and descendants of immigrants who fought upon every battle field in defense of their country in times of war and who contributed to its glory in times of peace. [Applause.]

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Florida.

Mr. GREEN of Florida. Does the gentleman mean to say that the 40,000,000 he speaks about are superior to the approximately 75,000,000 who are pioneers of America and who fought on battle fields of America since 1776? Who is superior—the Americans of the old America or the Americans who are drifting in here because it is the last frontier?

Mr. SIROVICH. History will teach the gentleman from Florida that this country was settled, not by one race, by one creed, or by one color. The French settled Canada, New England was settled by the English. The Dutch settled New York. Pennsylvania and Delaware were largely colonized by the Germans. New Jersey by the Norwegians and Swedes. Florida, your native State, by the Spanish. The Mississippi Valley by the French and Spanish. Thus, you see that many races and many peoples helped to settle our country, and the civilization of our Government is the cumulative and collective product of the lifeblood of all these various races that have labored and toiled in the quarries of our country to make it that which it is to-day. All these races have passed through the crucible of America, and under the fiery influence of its opportunities have come forth as the greatest of all races, the American race, true Americans. That is the kind we are, and that is the kind we want here as future citizens of our Nation. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. I ask unanimous consent of the House to have five additional minutes to continue.

The SPEAKER. Is there any objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Our country has recently taken a new point of view regarding immigration. We believe that America should not be regulated by conditions in Europe but by the

necessities of the people of our land. Congress contends that we are not responsible for the terrible state of affairs in Europe and are not therefore obligated to bear their burdens. So we have determined to take in only such immigrants as we desire or the conditions of our country require. This process of choosing our future citizens is called selective immigration.

From the tenor of the membership of this House, I believe that for the present, selective immigration is here to stay. No one is here to object to the selective feature of immigration. But the bill has one great drawback, one great weakness. While the immigrant husband is in America, his wife and children must remain in Europe until he becomes an American citizen, which is almost five to seven years. In this respect the law is cruel. It is inhuman. It is brutal. It breaks up the ties of family life. It disintegrates the home. It puts a premium upon desertion, illicit unions, bigamy, divorce without the wives' consent or knowledge. It neglects the education of the children. The health of the family suffers from worry and anxiety. The United States suffers economically. The alien sends remittances abroad which might be spent at home. The assimilation of the alien is delayed. His family life, from the standpoint of stability and normality, is postponed. Rapid Americanization is deferred. It creates alien problems which overwhelm him. While the law creates these problems, the alien is charged and blamed for their results.

Therefore I would say to the distinguished gentleman from Florida that we should humanize the immigration law; that we should make every attempt to unite the families and thus bring about a normal, happy, healthy union between husband, wife, and children under 21 years. You have cast aspersions against the immigrants of our country. Let me tell you that you should not forget that during the last 75 years these immigrants whom you have belittled through their sweat and blood have helped to build the great American railroads, to develop the great American industries of steel and iron, to create the manufacturing plants of our country; have gone down into the bowels of the earth to bring forth the buried treasures of nature's past, have dug the subways, and have made possible the perfection of skyscrapers and dwellings which have made our Nation and people the richest and most respected in all the world. [Applause.]

The sentiment of Congress would be to unite the immigrant with his family, not only on humanitarian grounds but for social, economic, educational, and patriotic reasons. The home is the foundation of society, upon which the superstructure of our Government is reared. In this home the father is king, the mother is queen, and the children the subjects. Destroy this home and you destroy government and all that it stands for. What justice is there in a law that prevents a father from helping his own children? What man can regard a law as just which denies him the right of having his wife and children with him? Morally, no law and no individual is justified in separating a man from his wife and children. It is a reflection upon America's honor and it should be wiped off our statute books to clear America's name among the different civilized peoples of the world. [Applause.] Every day in my office I see poor, helpless, weeping immigrants who cry pitifully and say to me: "Doctor SIROVICH, I would like to bring over my wife and children, from whom I have been separated by this cruel, inhuman immigration law for the last three to five years. Can you not, please, help me?" I say to you, honored sir, "Whomever God has united together, let no Congressman tear asunder." [Applause.]

Mr. GREEN of Florida. They have separated themselves.

Mr. SIROVICH. This terrible immigration law, for which you voted, has separated them. Through this bill you have severed and cut in twain the heartstrings that bind a father to his loved wife and family. This law as it operates to-day is infamous. It is barbarous, and unworthy even of medieval days.

Have you ever felt the labor pains that a mother endures in bringing a child into the world? If you had, you would not be in favor of disintegrating the home. Do you realize the love of a father for his brood? Of his headaches and heartaches in thinking daily of how and what they are doing over there?

Mr. GREEN of Florida. Do you contend that the responsibility is upon Congress and upon America when a man from a foreign land voluntarily and purposely deserts and leaves his wife and children in a foreign land, and when he comes here tries to shift the burden of responsibility and proof upon America instead of bearing it himself?

Mr. SIROVICH. No man who comes to this country, suffers, toils, and struggles to earn an honest living, and immediately

thereafter sends his earnings over to Europe to bring over his wife and children should ever be called a deserter. But I will tell you why these honest immigrants come to our glorious land. What is the difference between America and Europe? The mountains and valleys and rivers of America are the same as those of Europe. The composition of water, which is oxygen and hydrogen, here is the same over there. The chemical formula of air is oxygen and nitrogen over here, the same as it is over there. The flowers, the trees, the plants, the shrubs are the same over here as they are over there. Then what is the difference between America and Europe? The great and fundamental distinction is that our country is the land of liberty, of freedom, of opportunity and justice, which is so sadly missing over there. And that is why these honest immigrants try to come to our land, so that they might give to their children the blessings and opportunities of freedom and justice which have been denied to them over there. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. May I have one minute more?

The SPEAKER. Is there any objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. If my distinguished friend from Florida [Mr. GREEN] objects to foreigners then he and his family and others who think like him should have objected to foreigners like Christopher Columbus and John and Sebastian Cabot to have discovered a country like ours where he and his family could live in peace and in happiness.

Everyone in this country is a foreigner or the descendant of foreigners. The only true and original Americans in our country are the Indians, whom we have made prisoners in the land of their fathers. [Applause.]

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. LA GUARDIA. And Columbus and Cabot were both Italians. [Laughter and applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. SABATH. Can the gentleman make it 15 minutes?

Mr. JOHNSON of Washington. Mr. Speaker, I amend the request and ask that the debate on this section and all amendments thereto close in 15 minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent that all debate on this section and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker and gentlemen, we rarely help to settle important questions wisely by getting our feelings aroused and we rarely ever discover the truth to ourselves or others by extravagant statements. After all, the big question involved in America's immigration policy is one of the preservation of the institutions which have made the country so attractive to all the world that millions of mankind everywhere want to come here. These institutions have grown out of certain racial traits, traditions, and habits, and certain attitudes as to government which find expression in the institutions themselves.

We do not want the world to feel that any hatred toward any group or any race is prompting our immigration policy. We are trying to preserve America for all its people. If our foreign-born friends and their relatives have traveled far from Europe and from other countries to find another Europe created here, they will suffer a great disappointment. The feeling which ought to dominate American life and this Congress in shaping and working out this policy is a desire to preserve these institutions and this life, not for those of us whose ancestors have been here for 100 years but for all the people who now make up the United States. We are striving to perpetuate these institutions for every class of our people, for the newcomers as well as for the rest of us.

It has been determined that the number coming has been and probably yet is too great, and that restriction is necessary, not because any hatred or feeling of superiority but for the benevolent purpose which I stated, and that purpose, if accomplished, will inure to the incomparable benefit of giving the best that is in American life and institutions to all our people, of all stocks, new and old. [Applause.]

Mr. SABATH. Mr. Speaker and gentlemen of the House, it is to be regretted that whenever any measure comes from the Immigration Committee some members who really do not understand the situation or the conditions, and who are not familiar with the proposed legislation or the pending legislation, should arise and try to prejudice the minds of the membership of the

House. There is no legislation now pending to open the doors wide, as the gentleman from Florida [Mr. GREEN] had tried to make the membership here believe. The only efforts that are being made are those to bring about the reuniting of families.

I want to say to the gentleman [Mr. GREEN] that there is an organization in the United States that has the interests of labor in America closer to its heart than even the gentleman from Florida [Mr. GREEN]. It is the American Federation of Labor. They have gone on record indorsing the proposition of bringing about uniting the congressionally separated families. I believe this should be done. I believe it is manifestly unfair for the gentleman [Mr. GREEN] to try to make people believe that this would in any way deprive the laboring man of America of any of his opportunities, because the fact is the people we are trying to assist would in no way take the places of American wage earners. They are the wives and children of American citizens and declarants, also parents of our citizens. I would be the last man that would be guilty of any act that would in any way affect the earning power or the living conditions of the wage earners of America.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. O'CONNELL. Was it not falsely reported that the American Federation of Labor was against that measure?

Mr. SABATH. They have appeared before the committee through their representative and have indorsed this proposition, and, gentlemen, not only the American Federation of Labor, but every woman's civic organization throughout the United States through their representatives had appeared before the Committee on Immigration, within the last few days, and after carefully considering and a long study of conditions, they have indorsed the proposition of bringing about the uniting of the families, by permitting the wives and children of declarants to come to the United States, so as to enable the willing husband and father to take care of his wife and children, as it is his duty to do.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. GREEN of Florida. Does not the gentleman [Mr. SABATH] know that neither the American Federation of Labor nor any labor organization indorses any legislation which will bring more laborers into this country to compete with them on a cheap scale?

Mr. SABATH. I am aware of that fact, but nevertheless they are favoring this humane proposition of reuniting of families. But there is nothing before the House that would increase the number of laboring men coming to the United States; but, on the other hand, there are bills, including the bill of the gentleman from Texas [Mr. Box], and my own bill, that tend to restrict immigration from Mexico, Canada, and from Central and South American Republics and West Indies. I want the gentleman to know I am in favor of that legislation, but up to this time we have not received any aid that I know of from him so as to secure favorable action from the committee.

I feel that in the interest of humanity we should enact legislation which would bring about the relief that the good women all over the United States are appealing for.

In addition to this we have several thousand ex-service men who offered their lives during the last World War, who are pleading that they be permitted to bring their aged fathers and mothers into this country. This surely would in no way affect the labor conditions in this country, because these people are too aged to take anyone's job or bread and butter. In view of the fact they are in a position to provide for them and as good sons are desirous of taking care of their parents, I feel that we should extend to them this right and privilege and also permit the wives and minor children to come outside of the quota of those who have resided in this country for over three years and have in every way demonstrated their ability to provide for them and also proved conclusively that they are honest, law-abiding men.

In this connection I wish to embody a few communications that I have received on this subject. First, that from the Woman's City Club of Chicago; second, the Immigrants' Protective League, Chicago, Ill.; third, the Illinois Joint Committee of Chicago, Ill.; and further wish to say that similar actions have been taken by other women national organizations in the United States.

In conclusion I wish to embody the resolution adopted by the Synod of Montana of the Presbyterian Church of the United States of America and the Federal Council of the Churches of Christ in America, showing that this great organization is asking Congress to act on this humane question.

The resolution unanimously adopted by this Synod of Montana of the Presbyterian Church of the United States of America reads as follows:

We, the Synod of Montana of the Presbyterian Church of the United States of America, having learned that immigrant families are divided because of the immigration law of 1924; and

Whereas the Synod of Pennsylvania of this church and the Federal Council of the Churches of Christ in America have petitioned the Congress of the United States of America that the immigration law be so amended as to allow those families to be united in this country;

We, the Synod of Montana of the Presbyterian Church of the United States of America, do go on record supporting the recommendations of the aforementioned bodies concerning the law which will make possible the uniting of these families; be it further

Resolved, That copies of this resolution be sent to the Committee on Immigration of both Houses of Congress and to the Senators and Representatives from this State of Montana.

Rev. CLARENCE W. ORNER,

Rev. F. B. GIGLIOTTE,

Committee.

The other communications referred to are as follows:

WOMAN'S CITY CLUB OF CHICAGO,

March 16, 1928.

Hon. ADOLPH J. SABATH,

House of Representatives, Washington, D. C.

MY DEAR MR. SABATH: We, the board of managers of the Woman's City Club, are certain that you will agree with us that the family is the basis of all national life. For this reason we are asking you to do what you can to make it possible for families separated by the restrictive immigration law of 1924 to be reunited.

We are of the opinion that it is unjust to interfere with the rights of those who have waited long for their turn to enter our country and, therefore, we ask that, if possible, the members of families thus separated be admitted outside of the quota.

We earnestly hope that you will work toward the establishment of law that will make this possible.

Very truly yours,

MAMIE D. NEUFIELD,

Chairman Education of the Adult Foreigner Committee,

Woman's City Club.

IMMIGRANTS' PROTECTIVE LEAGUE,

March 15, 1928.

Hon. ADOLPH J. SABATH,

House of Representatives, Washington, D. C.

A PLEA TO UNITE SEPARATED FAMILIES

MY DEAR MR. SABATH: For 20 years the Immigrants' Protective League of Chicago has been in contact with foreign-born who have come to make the State of Illinois their home. This organization assists them in adjustments to new surroundings and interprets for them the laws and customs of America. Many of these residents of Chicago are now confronted with a new problem which they are powerless to meet—separation from their families, who had expected to follow them. The road to citizenship and nonquota immigration visas is necessarily very long.

There are wives waiting to join their husbands who are becoming citizens of the United States in the minimum time the law permits; other wives whose husbands have encountered delays in securing their papers, whose separation is indefinitely prolonged; young children who can not come to their fathers for the same reasons; older children who have slipped past the nonquota age or preference age while their fathers were qualifying for citizenship, and under the present law can never come to them; wives whose husbands have no nonquota privilege, even though those wives may be full citizens of the United States; old parents whose sons and daughters in this country are well able to support them, who long to see them once more.

We believe that the best interests of this country would be served if these reunions are made possible. Only the action of Congress can bring this about. We earnestly request that you report favorably from your Committee on Immigration and Naturalization a measure which will extend nonquota immigration status to the following relatives of aliens and citizens legally admitted to the United States prior to July 1, 1924:

1. Minor children under 21 years of age.
2. Wives.
3. Husbands.
4. Parents.

We are attaching brief stories of actual cases which have come to our attention in Chicago, illustrating human hardships which we believe you will wish to relieve. We should greatly appreciate hearing from you.

Sincerely yours,

S. P. BRECKINRIDGE,

Secretary of the Board of Directors.

THE ILLINOIS JOINT COMMITTEE TO SECURE

LEGISLATION TO UNITE FAMILIES SEPARATED

BY THE RESTRICTIVE IMMIGRATION ACT,

Chicago, Ill., March 14, 1928.

DEAR MEMBER OF CONGRESS: We are aware that there are pending before the Congress—or before its Committees on Immigration—a number of measures designed to relieve the hardships of families separated by the present provisions of the restrictive immigration act. May we write you in their interest and in the interest of this industrial State of Illinois, in which members of those families are resident. We are in actual touch with them and know by experience their unfortunate plight.

We believe the situation which now exists can easily be remedied by Congress, and that once met it will perhaps never recur. The men and women who came to this country before the passage of the 1924 immigration act had no warning that a new policy would go into effect and that their families could not follow them to America. Long separations are now causing tragic strain and broken homes, with results that are far from desirable for this country.

As an act of primary justice we respectfully request that this Congress extend nonquota immigration status—a principle established by the quota act itself—to the following relatives of aliens and citizens legally admitted to the United States prior to July 1, 1924:

1. Minor children under 21 years of age.
2. Wives.
3. Husbands.
4. Parents.

We shall be glad to hear from you.

Yours very sincerely,

MARY E. McDOWELL, Chairman.

ADENA MILLER RICH, Secretary.

The Clerk concluded the reading of the bill.

Mr. DICKSTEIN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker and Members of the House, I hope you will bear with me just a few minutes. There has been much said about immigration restrictions; and in order to understand it, let us know something about the question. As a matter of fact, we had no restriction of immigration, under a quota law, until 1921. This law was a temporary measure passed because of war conditions. After 1921 we extended these temporary immigration restrictions until 1924, but still this was not a permanent policy with respect to our immigration laws.

In 1924, without notice to the world, we passed a permanent immigration law and we fixed an immigration quota of 2 per cent of the census of 1890. At that time, my colleagues, I told you on this floor that you had discriminated against 47 countries in favor of Germany and Great Britain.

In 1924 a certain number of husbands came to the United States with the hope at some future day of bringing in their wives and children. By the operation of the act of 1924 we prevented them from doing this if their wives and children resided in certain countries whose quotas were very small.

What we are asking the House to do and what we are talking about now is to allow and permit the wives and minor children of these persons to enter this country. These persons came to our shores and were persons who were in every way fit, morally and physically, to take care of their wives and children, but because of this quota law they are unable to do so.

Mr. FLETCHER. How many people would this affect?

Mr. DICKSTEIN. I could not say exactly, but I should say probably 80,000 or 88,000. I am only speaking of those who came here up until July 1, 1924, and who have wives and minor children; and when I state 80,000, or whatever the exact figure may be, this includes minor children of these husbands.

Of course, it is true that under the law after they become citizens you can not stop them from bringing in their wives and children, but in the meantime they are permitted to roam around this country without a mate. They are prevented from seeing their children, and they are prevented from giving their children an American education.

I am not opposed to humane restrictions of immigration, but I do say that it is unjust for this country not to permit the wives and children to come here where the families have been separated.

Mr. CELLER. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. CELLER. Upon whom did the responsibility rest for the separation of these families?

Mr. DICKSTEIN. I think we are as much to blame by the sudden passage of the act of 1924 as the persons who are trying to come to the country.

Mr. CELLER. I mean who in this House?

Mr. DICKSTEIN. I do not know; it is said that the Ku-Klux Klan took the credit for passing this legislation. We have some Members in the committee who take credit for these restrictions. Still we have never urged on the floor an open door. I am for restriction of immigration, but not for the restrictions of the act of 1924; I am for selective immigration; but I am also for humane legislation which will do something to help these women and children who are separated from their families.

Would it not be more humane if the Congress of the United States would permit the uniting of these families—namely, the wives and children of persons who entered this country prior to July 1, 1924, instead of keeping them separated? These men who came to our shores were allowed to come here under the law and are now engaged in useful occupations, and in some cities have formed part of our working machinery and have adapted themselves to the manner in which business is conducted in this country and our methods of business management. They came here with the sole purpose of never again returning to their native lands, but their wives and children were left behind, and because of the act of 1924 they are prevented from bringing them in so that they may have the same opportunities and educate their children in our public schools. Through the failure of the law to permit their wives and children to come in, these families have been separated for many years.

It encourages breaking up of family ties by permitting men to roam at large without their wives and children. I believe our American policy should at all times be directed toward an effort to keep families together, because keeping the families together is the first principle of good government. No American principle can be affected by allowing these wives and children to come here, and there is no sound reason as yet presented by the restrictionists to sustain their views that the family be separated, and there has not since the passage of the act and prior thereto been advocated any reasonable theory upon which they continue to object to the uniting of these families.

It is also my belief, and I say it with all sincerity, that the law itself should be amended in the following respects: First, it should raise the age limit of children of American citizens up to 21 years instead of the present law of 18 years, as 21 years is universally accepted as the age limit where a child becomes responsible and assumes the responsibilities of a human being. Since the act of 1924 has gone into effect we have witnessed hundreds and perhaps thousands of cases of great hardship where American citizens petition for their wives and children. Naturally, all those children under 18 years are granted visas and are permitted to come to the United States with their mother, but take the case of a girl who is slightly over 18 years of age; she can not come in with the rest of the family, but must wait for a preference quota, yet she is the child of an American citizen. She must be left behind in foreign lands where it is dangerous to permit any minor to remain without the wing of the parent. The family is separated, and yet there is no question that the American citizen is being discriminated against in having his family with him.

I also believe that the fathers and mothers of American citizens should be exempted from the quota and not merely placed in the preference class. Why should we say by law that the son or daughter should not be permitted to bring his or her mother and father in their last stages of life and give them more comfort and companionship? Why place them in a preference class only, which means nothing in a great many instances, because in some countries the preference takes many years, and, furthermore, because not more than one-half of the immigrants of any nationality may be placed in the preferred class in any fiscal year. In the same preference we have other classes which take up the quota. It seems to me that no good argument has yet been presented against exemption of fathers and mothers from the quota, and I do not know of any real reason why Congress should not take some action on this question.

Again, in an examination of the law, we find that although we give equal rights to women citizens of the United States, we discriminate against them to the extent that when they marry foreigners they can not bring their husbands into the country of their birth or adoption, because under the act of 1924 the husband must come merely within the preference class. In some countries, like Great Britain or Germany, it would take a short time, but in all the other countries it takes many years before an American woman can have the privilege of bringing in her husband under a preference quota. I do not know of any reason why an American citizen, either man or woman, should not have the same rights, and the law should be amended accordingly.

If we would only give this matter a little more study, without heat or animosity or discrimination along the policy of immigration, I am sure we could solve the problem as Americans.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOWARD UNIVERSITY

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

House Resolution 149

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 279, to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, for over 60 years the Federal Government has been making appropriation for the support of Howard University here in Washington. Under the present rules of the House, when an appropriation is brought in for that university some one makes the point of order against it. Of course, it is subject to a point of order, because these appropriations have never been authorized by proper law passed by the Senate and the House of Representatives.

The purpose of the present bill is to make in order appropriations for Howard University. This same bill passed the House at the last session but did not come up for a vote in the Senate. It is our purpose to pass again the same bill, and I hope it will be done at this time and finally become law. Everyone knows we are going to continue to make these appropriations; therefore let us put ourselves in position then with due authority of law.

Mr. O'CONNOR of New York. Mr. Speaker, this bill pertaining to Howard University bears some similarity to the first bill before the House to-day, the national-origins bill. It is the conviction of some of us that we ought to meet this issue in the same way as we shall have to meet the question of national origins as a basis for immigration quotas. It is weak and timid not to meet the question. It is idle to make necessary every year a special rule from the Rules Committee to make in order an appropriation for Howard University. When the matter was up last year I had a few words to say. For about 60 years, as the chairman of the Rules Committee said, this appropriation has been stricken out on a point of order.

Now, no one anywhere in this country is advocating the annihilation of our negro population. If you are not going to annihilate them, there can be no sane man who does not want them educated properly, who does not want them protected, at least, against communicable diseases, who does not want hospitals for them, surgeons and educators to advance them. If it were only from a practical, economic, and social standpoint, this survival of old prejudices should pass out in this day of modern ideas. I feel confident if we do not do it this year, if we do not end it this year, it will hardly be more than another year before the provision will be permitted to remain in the regular appropriation bill, and I hope the resolution will pass.

Mr. SNELL. Mr. Speaker, if there is no further time desired, I will move the previous question.

Mr. TARVER. I hope the gentleman will not do that. There has been no one yet spoken in opposition to the bill.

Mr. SNELL. I will yield to the gentleman from Georgia five minutes.

Mr. TARVER. The gentleman from Georgia does not desire to be heard, but I ask unanimous consent that the gentleman from Mississippi [Mr. LOWREY] may have 10 minutes.

The SPEAKER. The Chair does not recognize the gentleman for that purpose.

Mr. SNELL. I will yield to the gentleman from Mississippi [Mr. LOWREY] five minutes.

Mr. LOWREY. Mr. Speaker, the gentleman from New York [Mr. O'CONNOR] has just made the mistake that people are constantly making on this matter and has shown the reason why we have not been able to get what I think is sane consideration of it. He says that it is time to lay aside these old, bitter prejudices, and all that sort of stuff. The truth of the matter is that the question is this: As the gentleman from New York [Mr. SNELL] on the other side of the aisle has just said, the Congress for years—he says 60 years, and I think about 50 years—has been making appropriations for the Howard University here in the District. There is no other race in our Nation to whom the Government furnishes a university education—not the whites nor the Indians. Not only that, but the Negro race, to whom this university is furnished at public expense, does not need it a particle more than the other races do. I throw down again the proposition and stand by it that the Negro race through the South where I live is more abundantly provided for as to college education and college opportunities according to their needs than the white race. I am not one bit afraid of that statement; I am prepared to prove it with the figures. Then, while we are here to-day to decide a policy, I am opposed to the rule, and especially to allowing only 30 minutes' debate on a side to settle a policy that means the establishment of an institution for one race out of public taxation where that race does not need it more than other races do, where that race is quite as well provided for without it as other races are. Why should we commit ourselves permanently to this policy? Why should we permanently fasten upon the Government an institution to which we have already given \$5,000,000 and given every dollar of it illegally? Why should we now legalize it and fasten it upon the Government permanently, and go on with it forever, instead of at this time stopping the unjust policy, the unreasonable policy, which we have pursued?

Mr. SNELL. Does the gentleman from Georgia [Mr. TARVER] want five minutes?

Mr. TARVER. Not at this time.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 150, noes 15.

Mr. TARVER. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-eight Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 89, answered "present" 1, not voting 98, as follows:

[Roll No. 603]

YEAS—246

Ackerman	Buckbee	Cullen	Furlow
Adkins	Burtness	Curry	Gallivan
Aldrich	Burton	Dallinger	Garber
Allen	Busbong	Denison	Gardner, Ind.
Andrews	Cannon	De Rouen	Gibson
Andrew	Carew	Dickinson, Iowa	Gifford
Arentz	Carter	Dickstein	Glynn
Arnold	Celler	Douglass, Mass.	Goodwin
Auf der Heide	Chalmers	Dowell	Greenwood
Ayres	Chase	Doyle	Griest
Bacharach	Chindblom	Dyer	Griffin
Bachmann	Christopherson	Eaton	Guyer
Bacon	Clague	Elliott	Hadley
Barbour	Clancy	Englebright	Hall, Ill.
Beck, Wis.	Clarke	Evans, Calif.	Hall, Ind.
Beers	Cochran, Mo.	Evans, Mont.	Hall, N. Dak.
Begg	Cochran, Pa.	Faust	Hancock
Berger	Cohen	Fish	Hardy
Black, N. Y.	Cole, Iowa	Fitzgerald, Roy G.	Hastings
Bland	Cole, Md.	Fitzgerald, W. T.	Haugen
Blanton	Colton	Fitzpatrick	Hawley
Bloom	Connerly	Fletcher	Hickey
Bowles	Connolly, Pa.	Foss	Hill, Wash.
Bowman	Cooper, Wis.	Free	Hoch
Boylan	Corning	Freeman	Hoffman
Brigham	Crall	French	Hogg
Britten	Cramton	Frothingham	Hope
Browne	Crosser	Fulbright	Houston, Del.

Howard, Okla.	McLeod	Parker
Hudson	McSweeney	Peavey
Hull, Morton D.	MacGregor	Perkins
Hull, Wm. E.	Maas	Prall
Igoe	Magrady	Purnell
Jenkins	Major, Ill.	Ramseyer
Johnson, Ill.	Major, Mo.	Ransley
Johnson, Ind.	Mapes	Reece
Johnson, S. Dak.	Martin, Mass.	Reed, N. Y.
Johnson, Wash.	Mead	Reid, Ill.
Kadling	Menges	Robinson, Iowa
Kahn	Merritt	Rogers
Kelly	Michener	Rowbottom
Kent	Miller	Sabath
Kerr	Mooney	Sanders, N. Y.
Ketcham	Moore, Ky.	Schafer
King	Moore, N. J.	Schneider
Knutson	Moore, Va.	Seger
Kopp	Morehead	Shallenberger
Korell	Morgan	Simmons
Kvale	Morin	Sinclair
LaGuardia	Morrow	Sinnot
Lampert	Nelson, Mo.	Sirovich
Lea	Nelson, Wis.	Smith
Leatherwood	Newton	Snell
Leavitt	Niedringhaus	Somers, N. Y.
Leech	Norton, Nebr.	Speaks
Leibach	O'Brien	Spearing
Letts	O'Connell	Sproul, Ill.
Lindsay	O'Connor, La.	Sproul, Kans.
Linthicum	O'Connor, N. Y.	Stalker
Lozier	Oliver, N. Y.	Stobbs
Luce	Palmer	Strong, Kans.
McFadden	Palmisano	Strong, Pa.

NAYS—89

Abernethy	Drane	Kemp	Rutherford
Allgood	Drewry	Kincheloe	Sanders, Tex.
Almon	Driver	Lanham	Sandlin
Aswell	Edwards	Lowrey	Sears, Fla.
Black, Tex.	Eslick	Lyon	Steele
Bowling	Fisher	McIntire	Sumners, Tex.
Box	Fulmer	McDuffie	Swank
Briggs	Garner, Tex.	McKeown	Tarver
Browning	Garrett, Tex.	McMillan	Tillman
Buchanan	Gasque	McReynolds	Vinson, Ky.
Busby	Gilbert	McSwain	Ware
Byrns	Gregory	Martin, La.	Warren
Carss	Green, Fla.	Milligan	Weaver
Cartwright	Hammer	Moorman	Whitehead
Chapman	Hare	Oldfield	Whittington
Collier	Hill, Ala.	Oliver, Ala.	Williams, Tex.
Cox	Howard, Nebr.	Parks	Wilson, La.
Davis	Huddleston	Peery	Wilson, Miss.
Deal	Hudspeth	Quin	Woodrum
Dickinson, Mo.	Jeffers	Ragon	Wright
Dominick	Johnson, Okla.	Rankin	
Doughton	Johnson, Tex.	Reed, Ark.	
Douglas, Ariz.	Jones	Romjue	

ANSWERED "PRESENT"—1

Butler

NOT VOTING—98

Anthony	Doutrich	Kindred	Rubey
Bankhead	England	Kunz	Sears, Nebr.
Beck, Pa.	Estep	Kurtz	Selvig
Beedy	Fenn	Langley	Shreve
Bell	Fort	Lankford	Stegall
Bohn	Frear	Larsen	Stedman
Boies	Gambrill	McLaughlin	Stevenson
Brand, Ga.	Garrett, Tenn.	Madden	Strother
Brand, Ohio	Golder	Manlove	Swick
Bulwinkle	Goldsborough	Mansfield	Taber
Burdick	Graham	Michaelson	Taylor, Colo.
Campbell	Green, Iowa	Monast	Treadway
Canfield	Hale	Montague	Tucker
Carley	Harrison	Moore, Ohio	Underhill
Casey	Hersey	Murphy	Vincent, Mich.
Collins	Holaday	Nelson, Me.	Vinson, Ga.
Combs	Hooper	Norton, N. J.	White, Me.
Connally, Tex.	Hughes	Porter	Wingo
Cooper, Ohio	Hull, Tenn.	Pou	Wood
Crisp	Irwin	Pratt	Woodruff
Crowther	Jacobstein	Quayle	Wyant
Darrow	James	Rainey	Yates
Davenport	Kearns	Rathbone	Yon
Davey	Kendall	Rayburn	
Dempsey	Kless	Robison, Ky.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Madden (for) with Mr. Bankhead (against).
Mr. Shreve (for) with Mr. Stegall (against).
Mr. Quayle (for) with Mr. Stevenson (against).

Until further notice:

Mr. Anthony with Mr. Gambrill.
Mr. Irwin with Mrs. Norton of New Jersey.
Mr. Kearns with Mr. Mansfield.
Mr. White of Maine with Mr. Hull of Tennessee.
Mr. Kurtz with Mr. Davey.
Mr. Cooper of Ohio with Mr. Bulwinkle.
Mr. Porter with Mr. Casey.
Mr. Taber with Mr. Goldsborough.
Mr. Fort with Mr. Lankford.
Mr. Golder with Mr. Jacobstein.
Mr. Hersey with Mr. Combs.
Mr. Butler with Mr. Pou.
Mr. Darrow with Mr. Bell.
Mr. Crowther with Mr. Rayburn.

Mr. Kendall with Mr. Crisp.
 Mr. Wood with Mr. Garrett of Tennessee.
 Mr. Gates with Mr. Kindred.
 Mr. Kiess with Mr. Carley.
 Mr. Manlove with Mr. Tucker.
 Mr. Davenport with Mr. Brand of Georgia.
 Mr. Rathbone with Mr. Wingo.
 Mr. Treadway with Mr. Larsen.
 Mr. McLaughlin with Mr. Rainey.
 Mr. Graham with Mr. Collins.
 Mr. Frear with Mr. Rubey.
 Mr. Murphy with Mr. Connally of Texas.
 Mr. Fenn with Mr. Harrison.
 Mr. Michaelson with Mr. Kunz.
 Mr. Beedy with Mr. Montague.
 Mr. Wyant with Mr. Stedman.
 Mrs. Langley with Mr. Vinson of Georgia.
 Mr. Moore of Ohio with Mr. Canfield.
 Mr. Robison of Kentucky with Mr. Taylor of Colorado.
 Mr. Underhill with Mr. Yon.

Mr. WILLIAM E. HULL. Mr. Speaker, the gentleman from Illinois [Mr. MADDEN] is not here on account of illness. If he were here, he would vote "yea" on the resolution, as well as on the bill itself.

Mr. BUTLER. Mr. Speaker, did the gentleman from North Carolina [Mr. POW] vote?

The SPEAKER. He is not recorded.

Mr. BUTLER. Mr. Speaker, I have a pair with him. I voted "yea." I withdraw my vote of "yea" and answer "present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Mr. REED of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia, approved March 2, 1867."

Mr. TARVER. Mr. Speaker, before the motion is put, I ask unanimous consent that the time of the opponents of the bill be controlled by the gentleman from Mississippi [Mr. LOWREY].

The SPEAKER. The gentleman from Georgia asks unanimous consent that the time in opposition to the bill be controlled by the gentleman from Mississippi [Mr. LOWREY]. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, it is not necessary to make that request.

Mr. TARVER. There is no provision in the rule as to who shall control the time in opposition.

Mr. SNELL. One-half is to be controlled by those in favor of the bill and one-half by those opposed to it.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, may we also have an understanding as to who controls the time in favor of the bill on both sides, the majority side and the minority side. There are people in favor of the bill on each side, and I suggest that the time of the people in favor of the bill be divided between the majority and the minority.

Mr. REED of New York. Mr. Speaker, I insist on controlling the time under the rule.

The SPEAKER. The gentleman from New York asks unanimous consent that the time in favor of the bill shall be controlled by himself and the time in opposition to the bill shall be controlled by the gentleman from Mississippi [Mr. LOWREY]. Is there objection?

Mr. CELLER. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 279.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 279, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 279, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia, approved March 2, 1867, be amended to read as follows:

"Sec. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the

university shall be presented to Congress each year in the report of the Bureau of Education."

The CHAIRMAN. The gentleman from New York [Mr. REED] is recognized for 30 minutes.

Mr. TARVER. Mr. Chairman, I renew in Committee of the Whole the request I made a few moments ago in the House, that the ranking member of the committee reporting the bill and signing the minority report, the gentleman from Mississippi [Mr. LOWREY], be allowed to control the time awarded to the opponents of the bill.

Mr. LOWREY. I think that is an excellent suggestion.

Mr. REED of New York. That has already been arranged.

Mr. TARVER. The rule itself makes no provision as to who will control the time in opposition.

The CHAIRMAN. The Members in opposition will get time from the Chair.

Mr. TARVER. I rise to ask recognition to speak against the bill.

The CHAIRMAN. The gentleman will wait until he is recognized. The gentleman from New York [Mr. REED] has the floor.

Mr. SNELL. I think the gentleman from Mississippi [Mr. LOWREY] should be recognized to control the time in opposition to the bill.

Mr. TARVER. I beg the gentleman's pardon; there is no provision in the rule as to who shall control the time.

Mr. STRONG of Kansas. Regular order!

The CHAIRMAN. The regular order is demanded. The gentleman from New York is recognized.

Mr. REED of New York. Mr. Chairman, I ask to be notified when I shall have consumed five minutes.

Mr. Chairman and gentlemen of the House, I believe the chairman of the Committee on Rules in his opening statement has made very clear to the Members of the House the purpose of this bill. You are all familiar with the usual fiasco which we have gone through every time that the item for Howard University has appeared in the Department of the Interior appropriation bill. The appropriation was not authorized by existing law, so that each time the item was included in the bill some Member would rise and object, and the provision would go out on a point of order. The matter would then be taken up in the Senate, the item would be agreed to there, and later agreed to in conference, and then enacted as a part of the appropriation bill.

What this measure seeks to do is to stop the violation of the rule with reference to legislative riders. There is no doubt but that the sentiment of the House is in favor of appropriations for Howard University. It has been the custom for the past 48 years to make appropriations for this university, with which you are all familiar. It is a worthy institution. Most of you have been out there and have seen this class A university. I think the colored people are entitled to a great deal of credit when you consider that away back in 1867, when this institution was incorporated, they started with only five students, whereas to-day they have a student body of over 2,000, 600 of whom are girls.

This university has made a marvelous record. Students from 38 different States of the Union and 13 different countries are represented in the student body. The university is national in scope and purpose. Congress has used wisdom in making the necessary appropriations so that the university could carry on.

We had a fine example of its usefulness during the recent flu epidemic. A very distinguished Member of this House, a member of the Rules Committee, pointed out that in his little town in the South, where every white doctor was incapacitated, it was necessary for the white people to call in a colored doctor; and that colored doctor visited the bedsides of the sick and saved many lives. He was a man of ability and a university trained man. A crisis is liable to arise at any time when we need trained leadership in the city of Washington and in other congested centers of population. There are 100,000 colored people in our National Capital. Their patronage is not sought by the white doctors. It is necessary for these colored people to have colored doctors, and the university is producing a high type of colored doctor, a high type of colored dentist, a high type of colored lawyer, nurse, and pharmacist, people educated in the liberal arts, all of whom are necessary to supply the need for professional and educational leadership throughout the country.

The question has been raised from time to time on the floor of this House that we have no constitutional right to appropriate money for Howard University. I am not going into the constitutional question in my argument to-day; I have not the time; but in the extension of my remarks I am going to do that, and I am going to ask unanimous consent to insert

certain tables and records showing the number of students, the States from which they come, the courses which they are taking, and so forth. There are also other records that I want to show. I want to show how much money colored schools are receiving in certain Southern States, and I shall show clearly the reason for the opposition that is shown to these appropriations made by Congress for Howard University.

Howard University geographical distribution

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES										
Alabama	13	3	4	2	1		2	1	3	29
Arizona	1	1	1				1	1		5
Arkansas	13	1	2	1			3			21
California	6	1				2	4	2		15
Colorado	3	1	1	1					1	7
Connecticut	11	2	3			1	5	3	2	27
Delaware	6	1					3	1		11
District of Columbia	284	166	28	33	22	20	28	10	7	598
Florida	12	3		1	3	1	5	4	3	32
Georgia	20	5		2	2	4	8	2	3	46
Illinois	6	5			2		8	1	2	24
Indiana	6	4	2	2	2		2	2		20
Iowa	1						2			3
Kansas	12					1	1			14
Kentucky	19	2	4	2	3		4		1	35
Louisiana	15	3			3		5		3	29
Maryland	39	32	8	3	9	7	12	1	4	115
Massachusetts	12	4		1		1	2	4	2	26
Michigan	5	1					4	1		11
Mississippi	8	1	1	1	1		3			15
Missouri	16	11	3		1	1	3	2	2	39
Nebraska	3						1			4
New Jersey	52	28	3	2	6	3	12	10	3	119
New York	36	5	5	1	1	2	24	18	6	98

Howard University geographical distribution—Continued

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES—continued										
North Carolina	49	12	3	1	4	6	8	6	9	98
Ohio	19	3			7	3	3	1	2	38
Oklahoma	3	2		1	1	5	1			14
Oregon	66	19	6	3	7	1	7	2	5	123
Pennsylvania	5				4	1	4	1		8
Rhode Island	24	3	1		4	3	4	1	2	42
South Carolina										1
South Dakota	9	5	3	1	1	2			1	21
Tennessee	32	10	1	1	1	4	8	3	2	62
Texas	61	27	5	1	15	10	24	13	8	164
West Virginia	12	10	3		2	2	7			36
Wisconsin							1			1
FOREIGN COUNTRIES										
Africa			1		5	1	1	1		9
British West Indies	14				7		6	1	1	29
British Guiana, South America	9				2		5	2		18
Canada	4									4
Canal Zone	1									1
Central America					1					1
Cuba	1									1
Dominican Republic	1				1			1		3
Jamaica							7			7
Porto Rico	2					1	1			4
Republic of Colombia							1			1
Virgin Islands	1						1			2
Total	912	372	88	59	114	88	226	101	72	2,032

Evening classes, 115.

TABLE SHOWING

I. Distribution of students in publicly controlled institutions of four-year collegiate grade in 17 States, and the distribution of Federal and State funds for four-year collegiate education and the relation of the distribution to the population in 17 States having separate schools for white and negro students.¹
II. The extent to which Howard University serves persons born in those States.

State	Total population		Per cent negro population	Number of white students enrolled in schools of 4-year grade	Number of negroes who should be so enrolled according to population	Number of negroes actually so enrolled in schools of 4-year collegiate grade	Number of students at present in Howard University of 4-year collegiate grade	Federal funds for higher education			State funds for higher education			Number persons from the States enrolled in college for the autumn, winter, 1927-28	Number of students and graduates of Howard University from the several States studied				
	White	Negro						Received by whites	Amount due to negroes at same rate according to population	Amount actually received by negroes	Amount received by whites	Amount due to negroes at same rate according to population	Amount received by negroes		Graduates from college, by State of birth from 1919 to 1927	Students entering the school of medicine, by State of birth, 1923-1927	Graduates from the school of medicine, by State of birth	Students entering the law school from 1922-1927	Graduates from the law school from 1922-1927
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Alabama	1,447,032	900,652	62.2	4,435	2,557	0	48	\$276,720	\$172,119	\$20,750	\$873,519	\$543,328	\$36,500	28	34	19	16	1	1
Arkansas	1,279,757	472,220	36.8	3,329	1,225	0	28	263,555	96,988	20,654	629,207	231,548	68,166	23	7	4	5	1	0
Delaware	192,615	30,335	15.9	606	120	0	15	100,742	20,047	10,000	162,242	32,286	21,000	11	0	4	2	0	1
Florida	638,153	329,487	51.6	8,391	4,329	103	47	156,609	80,810	25,820	1,116,094	575,904	10,000	28	24	16	16	3	1
Georgia	1,689,114	1,206,365	71.4	7,789	5,561	0	74	571,296	407,905	19,667	732,354	522,900	42,500	43	44	30	21	1	0
Kentucky	2,180,560	235,938	10.8	6,460	697	0	47	282,252	30,483	8,505	1,185,567	128,041	40,000	32	33	11	18	4	0
Louisiana	1,096,611	700,257	63.8	4,035	2,574	84	42	232,754	148,497	23,655	2,198,158	1,530,024	46,515	23	23	18	12	1	1
Maryland	1,204,737	244,479	22.9	5,670	1,298	0	74	302,457	69,262	0	956,149	218,958	74,968	58	51	11	29	5	4
Mississippi	853,962	935,184	109.5	850	930	0	33	235,649	258,035	39,592	709,529	842,634	65,251	19	18	11	10	3	2
Missouri	3,225,044	178,241	5.3	17,395	932	518	24	297,046	15,743	3,125	714,747	196,881	114,773	24	11	0	0	0	0
North Carolina	1,783,779	763,407	42.7	5,587	2,385	0	165	342,130	146,089	20,086	4,180,479	1,785,064	542,111	118	60	43	59	4	10
Oklahoma	1,821,194	149,408	8.2	20,530	1,683	0	8	247,028	20,256	5,000	3,418,277	280,298	95,900	8	14	0	0	0	0
South Carolina	818,538	864,719	105.0	4,030	4,231	887	84	225,906	237,201	34,328	1,812,456	1,903,078	101,150	48	33	33	31	3	7
Tennessee	1,885,993	451,758	23.9	2,140	511	0	33	773,583	184,886	12,000	570,042	138,391	54,999	24	18	6	10	3	4
Texas	3,918,165	741,694	18.9	21,546	4,072	723	70	487,289	92,097	1,978	5,652,526	1,068,327	216,070	48	55	21	22	1	6
Virginia	1,617,909	690,017	42.0	10,475	4,399	0	234	286,119	120,169	26,996	1,818,805	763,898	48,156	153	96	72	90	9	10
West Virginia	1,377,235	86,345	6.2	5,492	340	756	30	224,317	13,907	10,629	1,852,685	114,866	272,750	21	0	7	14	2	3
Total	27,030,308	8,980,506	33.2	128,958	37,844	3,071	1,056	5,305,452	2,114,494	282,785	31,651,836	10,876,426	1,850,809	709	521	306	355	41	55

¹ These data were obtained from "Biennial Survey of Education, 1922-1924," Department of Interior, Bureau of Education Bulletin (1926) No. 23, and State Superintendents Reports for 1922-1924; Bureau of Education Bulletin (1927) No. 37.

² Includes also appropriations for schools above secondary but of junior collegiate grade.

³ This includes 348 students of secondary school grade.

⁴ This includes 574 students of secondary school grade.

⁵ This includes 261 students of secondary school grade.

⁶ This includes 442 students of secondary school grade.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. LINTHICUM. Under the requirements, who can go to Howard University? Is it limited to the District of Columbia?

Mr. REED of New York. No. Students can come from all the States and all over the world. There are students there now from 38 States of the Union.

Mr. LINTHICUM. Is the tuition free?

Mr. REED of New York. No. They pay tuition.

The CHAIRMAN. The gentleman has used five minutes.

Mr. REED of New York. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. LOWREY. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. LOWREY. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, ladies, and gentlemen of the committee, I shall speak in opposition to the passage of this measure, realizing that its enactment into law can not probably be prevented, but believing that a fair statement of the reasons which impel me, and, I think, should impel other Members of this House, to vote against it, is in accordance with my duty as a Representative not alone of my own constituents but of the United States.

I am opposed to this bill because, in my judgment, it is an attempt to legalize the use of funds from the Federal Treasury to meet alleged educational problems which are more or less local to the District of Columbia and territory in its vicinity, if they exist at all; because it is an attempt to divert Federal moneys to an educational institution not under public control; because it is a flagrant discrimination in the use of Federal funds for educational purposes against the people of the white race; and because it is directly opposed, in my opinion, to a provision of the Constitution which I shall hereafter discuss.

With 7,000,000 adults in this country who can neither read nor write, and millions of children growing up into the same class, you are asked, without doing anything for them, to legalize appropriations of huge sums for the professional education of negroes; with 62 per cent of the school children of my State able to secure less than a common-school education—which, I may say, is not a condition peculiar to Georgia alone—I am asked to vote to take tax moneys that my people help to pay and divert them to a negro university not even under public direction, supervision, or control; with the need of the Nation urgent for that education of the people which Edward Everett, of Massachusetts, said is a better safeguard of liberty than a standing army, we neglect remedies which might assure that education to devote our energies to means of securing higher education, and especially professional education, of the Negro race.

In opposing the passage of this bill I desire at the outset to make it clear that my position is not the result of race prejudice, that motive which is so often unjustly charged against Members of Congress from the South whenever they undertake to discuss problems relating to the welfare of the negro. I say "unjustly charged" because not only have those who live in the South better opportunities to know and understand the colored race, to appreciate their needs, and to understand their limitations, but they have also abundantly demonstrated the fact that they are the negro's best friends.

It is proposed by this measure to legalize appropriations from the National Treasury for the higher education and professional education of negroes at Howard University. Various arguments are advanced as justifying this course. I think I may state them fairly and concisely in the following order:

First. It is said that for 49 years Congress has been making these appropriations in violation of law, and will continue to make them whether this bill is passed or not; and this bill is necessary in order that Congress shall not continue to violate the law.

It is, indeed, a sad situation, Mr. Chairman, if the only way to make Congress law-abiding is to pass a law legitimatizing its illegal acts. It is a proposal akin to that which would repeal or modify our prohibition laws in order to make the people who now violate them law-abiding citizens. Surely, if there has been law violation by Congress or anybody else, the best remedy is to desist from illegal acts; and no individual and no law-making body, by a long-continued course of improper conduct, acquires a prescriptive right to maintain and even to have the sanction of legality placed upon it.

Second. It is argued that in the allocation of funds received by southern universities from the Federal Government through the Department of the Interior, discrimination is practiced as between the races, and the Negro does not receive his fair share; and the inference is that a fair share of other Federal appropriations to higher education being denied him in the South, it is up to the Federal Government to supply the deficiency in his just dues by maintaining for him a university in the city of Washington.

As an evidence that this argument is relied upon by the proponents of the measure, it is only necessary to call attention to certain statements appearing in the hearings had on a similar bill in the last Congress, and which hearings were relied upon by the Committee on Education in reporting the present bill:

On page 19 of those hearings Doctor Durkee, at that time head of Howard University, said:

Turning to the list of southern white schools drawing money from the Federal Government through the Department of the Interior, the same situation obtains, though enhanced by discrimination.

Then follows, under the head "South," a long list of colleges and universities with amounts in dollars set opposite the names, and totaling \$3,759,742. Then follows this statement:

It should be said that of the total amount of \$3,759,742 paid to the white schools of the Southland about \$150,000 only is allocated by those States to colored schools when at least \$625,000 should be so allocated.

It is clear, therefore, that in this statement, as well as in other parts of the hearings, the charge is made as a basis for asking this legislation that discrimination is practiced in the South in the allocation of funds received through the Department of the Interior for higher educational purposes. I have incorporated in the Record of March 1, 1928, certain data and citations and statements from Chancellor C. M. Snelling, of the University of Georgia, and Hon. John J. Tigert, Commissioner of Education, completely refuting this charge. For present purposes, it should be sufficient to point out that the only funds of the character mentioned disbursed through the Department of the Interior are funds appropriated under the Morrill-Nelson law of 1890, as amended in 1907; that these funds amount to only \$50,000 per State and Territory; that the Southern States, excluding Maryland, Kentucky, and Missouri, received only \$550,000 instead of nearly four millions as charged, and that of this amount \$204,990.18 was received by colored institutions for the fiscal year 1925, or approximately 37 per cent of the total. I exclude Maryland, Kentucky, and Missouri because the great bulk of the negro population lives in the other 11 States of the South. If they were included, the proportion would be \$225,365.18 out of a total of \$700,000. It is thus apparent that the division is fair, and in proportion to population. The figures which I have mentioned are obtainable from a bulletin issued by the Bureau of Education entitled "Land Grant Colleges, 1925." That a man qualified to serve as the president of a university worthy of support from the Congress of the United States should have made the statement made by Doctor Durkee that \$3,759,742 was appropriated to white colleges of the South through the Interior Department and only \$150,000 allocated to the colored institutions, when as a matter of fact the appropriations thus made are only one-seventh of the amount claimed, and the allocation to negro institutions more than one-third in excess of that mentioned in his statement is as inexplicable as the fact that he included in his list of southern universities the following, which I read from page 20 of the hearings referred to:

University of Arizona	\$101,722
Delaware College	94,528
Montana College of Agriculture	110,350
New Mexico College of Agriculture	113,328
Oregon State Agricultural College	120,383
Utah Agricultural College	106,651
West Virginia University	102,490

Besides several other institutions that are not usually considered southern. All of which merely serves to indicate the lack of care with which facts alleged to support and justify this legislation were prepared and presented to the committee which recommended it. At the present session of the Congress the committee refused to have further hearings with regard to this bill, although 12 of the 21 members of the committee were new members, and relied entirely for justification for their favorable report upon the hearings had at the last Congress on H. R. 8466 and H. R. 393, which were similar bills. In those hearings, aside from the statements of two officials of Howard University and an introductory statement by Mr. Cramton, no facts were submitted to the committee; and the misstatements I have called attention to in the principal evidence, that of Doctor Durkee, then president of the institution, are sufficient to justify question as to the accuracy of the rest of it. At any rate, it must certainly be clear that the passage of the proposed legislation can not be justified by the idea that in the South the negro is not treated fairly in the distribution of funds appropriated through the Department of the Interior to the agricultural and mechanical colleges; nor, in view of data inserted by me in the Record on March 1, that there has been discrimination in the allocation of Federal educational funds, however disbursed.

Third. It is insisted that there is a nation-wide need among the Negro race for professional men of their own color, and that in no other institutions is sufficient opportunity afforded for the training of a sufficient number of professional men; that according to Doctor Durkee, 400 negro physicians should be turned out every year for 10 years in order to catch up with the needs of the race along that line; and that there is similar need for colored lawyers, dentists, and pharmacists. Just where this tremendous demand exists is not pointed out, nor how the figures as to the extent of the demand are

arrived at. It is apparent that it is not a demand which is general throughout the section of our country where most of the Negro race live, for Doctor Durkee makes the statement on page 21 of the hearings that I have referred to that—

New York, Washington, Baltimore, Philadelphia, and Chicago have taken the larger number of the physicians.

Those who are being educated for physicians at Howard University, therefore, are not being so educated in order that they may go to the great centers of their racial population and begin lives of service among their people, but in order that they may leave those centers and locate in sections of the country where they may chase that chimera of social equality which is frankly and positively forever denied them in the South and is in reality denied them anywhere else where they are thrown into contact with white peoples.

As a matter of fact, there is small demand in great centers of colored population for negro physicians, lawyers, dentists, or pharmacists. Those of their own race realize that few of them are mentally capable of receiving and assimilating the knowledge which is necessary to bring eminence in these professions, and where they have opportunity to patronize negroes who practice them, usually patronize white professional men instead when they are able to employ them.

If we should concede the existence of the need, however, and should further concede that notwithstanding the great number of negro educational institutions throughout the South and the far greater number of white educational institutions in the North and West which receive negro students, that need can only be met by Howard University, what valid argument is thereby presented in favor of this bill? It is alleged by Doctor Durkee (see page 7 of the hearings referred to) that a negro man may receive through Howard University a medical education for about \$2,000, whereas it costs white men in white educational institutions, he estimates, \$10,000. How many thousand deserving young men of the white race throughout this country who would like to obtain professional education if the cost by Government appropriation might be reduced by 80 per cent? I have no sympathy with those who are continually, for political and other insincere reasons, charging unjust discrimination against the negro in the South or any other section of this country; but I have less sympathy with a proposition to afford professional education at Government expense to the Negro race, when the Government of the Nation now contributes not one single dollar to the professional education of the white race. I call your attention to the fact that appropriations authorized under the Morrill-Nelson law are appropriations for instruction in agriculture, the mechanic arts, and certain branches of learning, "with special reference to their application in the industries of life"; and that funds administered by the Federal Board for Vocational Education and the Department of Agriculture are for vocational training and rehabilitation, agricultural extension work, and training in industrial arts. Nowhere is there a Federal dollar available which would aid a young white man to embark upon a professional career.

The fourteenth amendment to the Constitution, so often referred to as a basis for attacks upon the South, guarantees to all persons within the jurisdiction of the several States the equal protection of their laws and, inferentially, of course, the equal protection of the laws of the United States. Here is a proposed law which will assure from the Treasury of the United States educational opportunity to the Negro race in the matter of professional education and will with existing laws fail to make equal provision for similar opportunities through the same source to men and women of the white race. Was the fourteenth amendment intended only for the protection of the negro or was it intended for the equal protection of all peoples under the flag? If the latter construction is correct, then any legislation which proposes to afford to the Negro race at the expense of the Nation educational opportunities not secured in the same way to the white race is unconstitutional and should be defeated for that reason.

It is further apparent from a study of the geographical distribution of the students at Howard University that that institution does not even serve a nation-wide need of the Negro race so much as it serves a local need. Referring to the table inserted in the record of hearings had during the Sixty-ninth Congress, on page 15, it appears that of a total of 2,032 students, 1,952 were residents of the United States, and that of this number 598 were residents of the District of Columbia and 521 were residents of the States of Maryland, New Jersey, Pennsylvania, and Virginia, making a total of 1,119, or more than one-half, who came from a territory either comprised in or within a short distance of the District of Columbia. Ten Southern States, where the bulk of the negro population in this

country resides, excluding Virginia, furnished only 395 students. Not only, therefore, is there discrimination against the white race in this bill but there is also sectional discrimination and an attempt to solve from the National Treasury alleged educational problems of the localities immediately surrounding Washington.

Mr. Chairman, I make the assertion upon the authority of a report issued by the Georgia State Board for Vocational Education that—

A study of school-attendance statistics in Georgia show that of every 100 children who enter the primary class only 38 ever complete the seventh grade, only 8 ever finish high school, and only 1 graduates from college. Figures for other States show something of a similar condition, and a compilation and summary of attendance problems for the entire United States show that this is a universal problem.

When only 38 per cent of the children of my State receive a common-school education, and when I am assured that similar conditions exist in other States, I can not stand here and help to vote money out of the National Treasury in half million dollar lots for the maintenance of a university to serve a need principally local to Washington and vicinity for the higher education of negroes. If the money of the National Government is to be made available to a greater extent than at present to help solve our educational problems, that money should go, first, strictly under State administration and control, to the assistance of the childhood of our Nation who are not now receiving the opportunities in the way of a common-school education which they need in order to bring out the best that is in them for themselves, their communities, and their country. There are too many men and women in the United States to-day who remind us of the language of Henry Fulton, the noted English writer and divine:

In some who have run up to men without education, we may observe many qualities darkened and eclipsed; their minds are crusted over, like a diamond in the rock.

Thomas Jefferson said:

If you would have the sun continue to shed its rays on the faces of freemen, then educate all the children in the land. This alone startles the tyrant in his dreams of power and rouses the slumbering energies of an oppressed people.

But I wonder what the patron saint of democratic government would have thought of a plan by which the energies of the National Government, aside from certain aids to agricultural, mechanical, and industrial training which reach alike all races under the flag, have been and are to be under this bill devoted to the higher education of the Negro race? Surely, to insist upon prior consideration for the children of my country who are deprived of proper common-school educational opportunity, before legalizing a policy by which negro higher education shall be taken care of, is not to stamp myself as narrow, prejudiced, or unfair. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, I have had contact with this matter for several years through my connection with the Interior Department appropriation bill that carries this appropriation. Let me first emphasize that no appropriation which this Congress has ever made for Howard University was illegal. An appropriation bill is law the same as any other bill passed by Congress. The only emergency comes from the fact—

Mr. O'CONNELL. Will the gentleman yield?

Mr. CRAMTON. I am sorry I can not yield in five minutes. I want to be courteous, but I can not yield.

Any bill passed by Congress making this appropriation has been the law and has been legal, the only emergency comes that under the rules of this House the Appropriations Committee does not have authority to report these appropriations, and hence they are subject to a point of order. If this bill becomes law that difficulty will be overcome.

Our committee has felt that because the appropriations have been made for nearly half a century and because each time when the House gets the chance to vote they sustain the appropriations, we ought to report them.

The gentleman from Georgia has suggested the institution is local. I am sure if he would study the question more he would find that it is a national school to meet a national need. The gentleman suggests it is not under supervision. If he will read the bill that is before us he will find that it provides that "the university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year" and that an annual report must come to Con-

gress concerning it; and in addition, the financial aspect of it is now supervised by the Department of the Interior, so far as the use of our money is concerned.

The gentleman says it will be a discrimination against the white race for us to do this for the negro population. We have already established the precedent in the education of the Indians. We have many, many schools for the exclusive use of the Indians in order to fulfill our national obligations as to that race. We have a similar obligation to see that the negro is not discriminated against in the opportunity to get an education and raise himself and his race up.

The gentleman has talked of the present apportionment of Federal funds. I have received to-day from the Bureau of Education—I may say here I put in the RECORD at page 3711 some time ago a general study of this question by the Howard University, but I have now a statement from the Bureau of Education giving a tabulation which I will ask consent to put in the RECORD in detail. Suffice for the present to say that the money that goes from the Federal Government to State colleges and universities under different laws amounted as to the 17 Southern States in 1925-1926, the year they have used in their table, to \$4,901,338.

Mr. TARVER. Will the gentleman yield?

Mr. CRAMTON. I am sorry I can not yield. If I have any time when I have completed my statement I will be pleased to yield.

Approximately \$5,000,000 went to the white institutions in these Southern States. How much went to the negroes? The population is respectively 27,000,000 and about 9,000,000 and we would expect then \$1,600,000 to go to the colored institutions of the South from the Federal Treasury. Instead of that, there was \$319,777.

Mr. TARVER. That is a very important statement the gentleman is making and in view of the nature of his remarks I hope the gentleman will yield.

Mr. CRAMTON. It is important and I am trying to cover it in a decisive and permanent way. The Bureau of Education that has charge of the distribution of most of this fund—

Mr. TARVER. Will the gentleman yield?

Mr. CRAMTON. I do not yield. If the gentleman from Mississippi will yield me more time I will yield to any question desired to be asked.

This \$4,900,000 went to the white institutions from the Federal Treasury and \$319,777 went to the colored institutions in the 17 Southern States from the Federal Treasury. It is that discrimination that creates this national need for a great colored university.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks and in doing so I desire to put in this table and the accompanying letter in part.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. TARVER. Mr. Chairman, the gentleman apparently has some further time and I would like to ask him a question.

Mr. CRAMTON. The Chair has said I have no more time. Under the leave I insert the following:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, March 29, 1928.

Hon. LOUIS C. CRAMTON,

House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: In reply to your letter of March 23 we have checked over the figures for land-grant colleges shown in the report entitled "Comparative distribution of Federal and State funds for collegiate education of whites and negroes in 17 States."

Since the institutions represented in the above-mentioned report are not named it is difficult to check the figures. Footnotes read "Includes students of secondary grade," "Includes also appropriations for schools above secondary but of junior collegiate grade." The heading of the table on page 1 indicates "Publicly controlled institutions of four-year collegiate grade," but these are not itemized, nor is the number of these institutions given.

Accurate data on Federal funds for land-grant colleges and universities in the 17 Southern States have been tabulated and are presented in the inclosed table, which is summarized as follows:

	White	Negro
Interest on 1862 land-grant fund.....	\$307,939	\$24,152
Interest on other Federal land grants.....	23,585	5,777
Morrill-Nelson Acts of 1890 and 1907.....	600,279	249,721
Smith-Hughes funds as reported by institutions.....	132,728	40,127
Other Federal funds for instruction and administration.....	25,468	None.
Hatch-Adams funds for agricultural experiment stations.....	480,000	None.
Purnell funds (act of 1925).....	320,000	None.
Other Federal funds for agricultural experiment stations.....	12,921	None.
Smith-Lever and supplementary funds for agricultural and home economics extension.....	2,928,176	None.
Other Federal funds for agricultural and home economics extension.....	70,242	None.
Total of all Federal funds.....	4,901,338	319,777

JOHN J. TIGERT.

Federal funds for land-grant colleges, 1925-26

Land-grant colleges	Interest on 1862 land-grant fund	Interest on other land grants	Morrill-Nelson appropriations (acts of 1890 and 1907)	Smith-Hughes funds as reported by institutions	Other Federal funds for instruction and administration	Hatch-Adams funds for agriculture experiment stations	Purnell funds (act of 1925)	Other Federal funds for agriculture experiment station	Smith-Lever and supplementary funds for agriculture and home economic extension	Other Federal funds for agriculture and home economic extension
1	2	3	4	5	6	7	8	9	10	11
Alabama:										
White.....	\$20,280		\$30,795	\$8,349		\$30,000	\$20,000		\$203,202	
Negro.....			19,205	1,927						
Arkansas:										
White.....	6,633		36,364	3,946		30,000	20,000		163,576	
Negro.....			13,636	768						
Delaware:										
White.....	4,980		40,000	10,550		30,000	20,000		20,742	
Negro.....			10,000							
Florida:										
White.....	7,730	\$2,352	25,000			30,000	20,000		138,737	
Negro.....			25,000	820						
Georgia:										
White.....	14,954		33,333	14,114					237,780	
Negro.....			16,667	3,000						
Kentucky:										
White.....	8,644		42,750	11,503		30,000	20,000		197,342	
Negro.....	1,255		7,250	5,741						
Louisiana:										
White.....	9,116	5,440	29,829	4,137		30,000	20,000		132,964	\$32,200
Negro.....			20,171	3,485						
Maryland:										
White.....	6,831		40,000	12,123		30,000	20,000		70,964	
Negro.....			10,000							
Mississippi:										
White.....	5,914	8,473	23,000			30,000	20,000	\$12,921	172,905	
Negro.....	6,814	5,777	27,000							
Missouri:										
White.....	21,544	7,320	46,875	19,677	\$25,468	30,000	20,000		200,921	
Negro.....			3,125							

¹ Military uniforms.

Federal funds for land-grant colleges, 1925-26—Continued

Land-grant colleges	Interest on 1862 land-grant fund	Interest on other land grants	Morrill-Nelson appropriations (acts of 1890 and 1907)	Smith-Hughes funds as reported by institutions	Other Federal funds for instruction and administration	Hatch-Adams funds for agriculture experiment stations	Purnell funds (act of 1925)	Other Federal funds for agriculture experiment station	Smith-Lever and supplemental funds for agriculture and home economic extension	Other Federal funds for agriculture and home economic extension
1	2	3	4	5	6	7	8	9	10	11
North Carolina:										
White.....	\$7,500		\$33,500	\$5,500		\$30,000	\$20,000		\$227,356	
Negro.....			16,500	3,086						
Oklahoma:										
White.....	132,000		45,000			30,000	20,000		166,423	
Negro.....			5,000	2,067						
South Carolina:										
White.....	5,754		25,000			30,000	20,000		156,014	
Negro.....	5,754		25,000	5,250						
Tennessee:										
White.....	20,000		38,000	14,685		30,000	20,000		191,414	\$38,042
Negro.....			12,000	2,850						
Texas:										
White.....	10,450		37,500	8,542		30,000	20,000		341,015	
Negro.....			12,500	5,003						
Virginia:										
White.....	20,650		33,333	4,602		30,000	20,000		181,805	
Negro.....	10,329		16,667	6,130						
West Virginia:										
White.....	4,950		40,000	15,000		30,000	20,000		125,016	
Negro.....			10,000							
Total:										
White.....	307,939	\$23,585	600,279	132,728	\$25,468	480,000	320,000	\$12,921	2,928,176	70,242
Negro.....	24,152	5,777	249,721	40,127						

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, if my information is correct, George Washington, the first President of the United States, and often referred to as the Father of his Country, left in his will a bequest of \$25,000 for the establishment of a national university in the city of Washington or District of Columbia.

If I am mistaken in this, I hope some gentleman will correct me. I understand further that the question of accepting this \$25,000 and establishing a national university in the District of Columbia, not only for the people of Washington and the District of Columbia but for the people of the entire Nation, has been before nearly every Congress for consideration for upward of 100 years.

And yet the combined intelligence of this great Nation, represented by Members of Congress, has said from time to time that this bequest of \$25,000 from the father of our country can not be accepted and augmented by appropriations by Congress for the benefit of the education of the masses of the Nation, because it was not legal and was unconstitutional to do so.

Mr. CELLER. Will the gentleman yield?

Mr. HARE. No. I am sorry, for I have only five minutes. But after more than 100 years have elapsed, and after Congress has often refused to consider the proposition and accept the money given as a legacy to this Nation by George Washington, showing an ingratitude that almost amounts to an insult, Representatives of this great country come forth in their majesty, in their dignity, in their greatness, in their superlativeness—and, I might say, with a smothered conscience—and say, "We want to make an appropriation; we want to enact a law for the benefit of a colored church institution. We want to legalize an appropriation from the United States Treasury, not for the benefit of the white people of the Nation, as George Washington wanted us to do, but for the benefit of a great university for the negroes of the District of Columbia. I understand that Howard University is chartered and maintained as a denominational school. I understand that it has a seminary, or school of theology, maintained by one of the Protestant churches of this country, and I wonder how a really intelligent and honest Representative can come on the floor of this House and say, "I will ignore the fact that this is a denominational school; that it is a church school; that it is a private institution, all of which is admitted to be wholly in conflict with the principles and policies of this Government, and the obligation to honestly and fearlessly discharge my duty to all the people alike, but will throw aside the dictates of intelligent judgment; I will ignore and smother my conscience, if necessary, and support this bill." I say, I can not understand why one should lose sight of the fundamentals of his Government and be led astray by a little sentiment, or possibly by a few votes.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. HARE. No; I am sorry I can not. If this bill is passed, what reason can you give the colored people of this city who belong to the Methodist Church in case they may want an appropriation for a similar institution? What reason will you be able to give for denying them help for a university? What reason can you give the colored people who may belong to the Presbyterian Church who might come here and want to establish an educational institution?

Is there any good reason? What reason could you give any of the other denominational churches who might come here and say we need a university because we have ignorance among our people; we have poverty among them; we have disease among them; we have distress; they have need of a great university; they have need of money from the United States Treasury to support it. They may confront us with those demands in less than 12 months, and they are certain to do it within less than 12 years if this bill is passed and the Supreme Court of the United States sustains it.

The gentleman who preceded me referred to the fact that there was some discrimination about the distribution of funds already appropriated for the benefit of colleges in the South and gave that as a reason why this bill should become a law. I gather from that reasoning he has reached the point in life when he believes that two wrongs make a right.

If you pass this bill and make Howard University an institution to be permanently supported and maintained by the United States Government, it will be equivalent to setting up an educational institution in competition with those supported and maintained by the States or by private funds. The appropriations from year to year will necessarily be in keeping with growing demands, which will mean taking students away from Tuskegee, Hampton Institute, Fisk University, and other colleges for colored students, and mark my prediction that within less than 10 years the appropriation for this university will reach such proportions as to stagger the imagination. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. REED of New York. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Chairman and gentlemen of the committee, I am in favor of this bill. I find that the membership of this House from New York is quite a unit in supporting this worthy bill. Nineteen Southern States have their undergraduates and graduates of Howard University. These Southern States all have contributed, every State has contributed, to the roll of the university, and yet we find the South to-day a unit, practically, in opposition to a measure which seeks simply to correct what has been something unusual in the way of legislation. Since 1879 the appropriation has been questioned each year because it has come to the House on a rider of the Department of the Interior appropriation bill.

In New York City we have made ample provision for the education of negroes who live there, and we have 350,000 negro people who live in the city of New York. A great many of these good people are good residents in my district.

Mr. GASQUE. Mr. Chairman, will the gentleman yield?

Mr. WELLER. Not now. For these people we have hospitals, we have schools; we have made ample provision for the colored people in the city of New York. It is quite apparent that schools of higher education like Tuskegee and the others in the South are not sufficient unto themselves to accommodate those who desire to receive a high scholastic education. To-day we are confronted with the same old wrangle of what we ought to do in order to correct something which obviously should be corrected. There is but one thing that can be done here, and that is to put our house in order, and put this question squarely before the House and have these appropriations made as they should be made.

In New York City we have many graduates of this university. We have doctors, lawyers, dentists, and divinity men, all of whom have had the advantages of this wonderful university. The last speaker, the gentleman from South Carolina [Mr. HARE], spoke about the religious features of this institution. I do not imagine there is a college anywhere in the United States but has some particular religious domination and influence. Certainly all colleges, no matter whether they be class A colleges or not, should be under the guiding influence, to some extent at least, of chapel exercises, and the church should have a proper position in the work of the institution. But that the money is going to be voted for any particular class of religion, of course, the very terms of the bill prohibit. By the very terms of the bill the money that is annually appropriated can not and will not be devoted to religious instruction.

This university has an endowment, I am told, of approximately \$450,000. It is not self-supporting, but it is helpful. It is helping itself. Those who have been able to get an education there, those graduates who are not only in the city of Washington but who have come to the cities like New York, have invariably clung to their alma mater with just as much love and zeal and just as much esprit de corps as white men do in their own college life. That should be encouraged. If there is anything that can be done by this House, which has a moral responsibility to chip in, as it were, which has a moral responsibility to help out this worthy educational institution, to correct the parliamentary situation, then it does not lie in the mouth of any man in the House that he should protest against such a proposition.

Howard University was founded in 1867 by Gen. Oliver Otis Howard, a distinguished veteran of the Civil War, as an institution where negro men and women might receive college and university training. Like many other great things, it had a humble beginning. After the war the problem of properly placing the negro as a freedman became evident, and it became necessary for the leaders to stimulate their race by the encouragement of education. The charter of Howard University was granted by Congress on March 2, 1867, and each year this day has always been observed with appropriate ceremonies, and is known as charter day.

Congress appropriated small amounts each year, and in the year of 1879 the amount of \$10,000 was appropriated for the maintenance of the university, so that gradually there developed a new life of intellectual and spiritual ambition.

The Negro race represents one-ninth of the total population of the United States and in the past 50 years has shown tremendous advances within its own ranks. Until now it has been apparent that the future of the race is virtually in the hands of its own political leader. After the war the newly created freedman swelled into Washington and the people were confronted with the great problem of properly taking care of them both from an intellectual and physical standpoint. Plans were laid in a comprehensive way to found a college whose requirements and standards were of such a high order as to acquire the recognition of the greatest university of our country. Year by year those who identified themselves with this remarkable project toiled incessantly, mindful that they were being watched with jealous eyes but strengthened by the belief of a righteous cause. The wisdom and far-sighted genius of the founders are now revealing themselves to the country.

Congress has before it now, in the days of maturity of this university, another opportunity to recognize further its value, not only to the Negro race but to all the people of our country, and to provide and help to assist this great work morally and with financial support.

The university formerly came under the jurisdiction of the Department of the Interior, but its needs and growth have been fairly unparalleled, and the original incorporation by Congress of Howard University in the District of Columbia has from year

to year been compelled to report to and receive appropriations through that department. By this amendment now proposed the act of 1867 will be amended and an annual appropriation for constructive improvements and maintenance shall come directly and be a part of the national budget of our country under proper supervision and subject to an annual report to Congress each year through the board of education. This would seem to be the appropriate and logical way to handle this problem, and it is befitting the dignity of the high character of work that has been accomplished by the officers and alumni of the university.

This is really the one college in which the door is open for advancement and education to the negro, and happily it is situated in the site of our Government at Washington. So that in many respects it may be said that this university is a national organization. The young negro man or woman who desires collegiate or professional training and does not desire to go to any other university or college may come to Howard to devote and consecrate his or her life to the advancement of the Negro race.

The work of the officers of the university has been highly appreciated, and new buildings and departments have been created and erected, so that it now has an endowment of \$450,000. The grounds are beautifully situated in Washington and nestled in a grove of trees. The different departments are housed in well-equipped buildings. The library is well stocked and the different classical and scientific departments filled with students eager to learn. Much of the advancement is owed to the courageous leadership of Dr. J. Stanley Durkee, former president of the university, and his associates. The problem has commanded the attention and interest of distinguished educators and men in public life, who serve on the board of trustees without compensation for the advancement of the negro. Dormitories are provided on the campus which may be had for the modest sum of \$2 a week, and board may be obtained for \$20 per month, and it can be seen that these sums are almost nominal.

The high regard in which the university is held is typified by the spirit of the alumni when it was sought to raise \$250,000 to meet the requirements of the general educational board, which promised an additional \$250,000 for the purpose of building a medical school costing one-half million dollars. It is said that a group of negro physicians in Washington assembled together, and 67 of them subscribed \$100,000, and the balance of the amount was made up in pledges and subscriptions. It is estimated by Dr. Mordecai W. Johnson, the president, that the needs of the colored race require the graduation of 400 thoroughly trained physicians for the next 10 years to keep pace with the increase in population of the Negro race.

The college course of the university is known as grade A, and Howard University is the only university for the negro people that teaches medicine, with the exception of Meharry, in the State of Tennessee. The dental school is well known, and the law department has received recognition by the other law schools and the courts of the country. There are practically no large hospitals exclusively for the negro people, but the best known, and in which 90 per cent of the patients are colored, is the celebrated Harlem Hospital in New York City. The fame and reputation of this hospital under the auspices of the city of New York are well known to the medical fraternity and is a field for the colored internes and doctors.

Howard University also opens the door to negro women so that they may be educated leading to professional degrees. They also have a course in nursing in the adjoining Freedman's Hospital.

The men and women who attend the university come from all the States in the Union, and they have approximately 2,000 students on the roster for the coming year. Congress has from time to time made appropriations for various universities in the North, West, and South amounting to over \$7,000,000. From 1879 to 1924, in addition to the money raised for tuition and endowment already referred to, Congress has already appropriated three and one-half millions, and the appropriation calls for approximately \$400,000 a year. Each year this appropriation has been attacked, and it is claimed that coming, as they do, through the Department of the Interior appropriation bill, they are illegal. This should not be so. Money appropriations having the sanction of law should be directly appropriated by Congress upon budgets and questionnaires and all doubt as to the legality removed. The contention, however, of the legality has not been sustained. But this method of handling the question would for all time dispose of such criticism. The dignity of the grand works of this university requires that there be not the first suggestion of irregularity. Howard University, the first university for the advancement of negro education, is entitled to the highest consideration, for the work of its officers and alumni has demonstrated that it has not been misguided or misplaced.

TABLE SHOWING

I. Distribution of students in publicly controlled institutions of four-year collegiate grade in 17 States, and the distribution of Federal and State funds for four-year collegiate education and the relation of the distribution to the population in 17 States having separate schools for white and negro students¹
 II. The extent to which Howard University serves persons born in those States.

State	Total population		Per cent negro population is of white population	Number of white students enrolled in schools of 4-year grade	Number of negroes who should be so enrolled according to population	Number of negroes actually so enrolled in schools of 4-year collegiate grade	Number of students at present in Howard University of 4-year collegiate grade	Federal funds for higher education			State funds for higher education			Number persons from the States enrolled in college for the autumn, winter, 1927-28	Number of students and graduates of Howard University from the several States studied				
	White	Negro						Received by whites	Amount due to negroes at same rate according to population	Amount actually received by negroes	Amount received by whites	Amount due to negroes at same rate according to population	Amount received by negroes		Graduates from college, by State of birth from 1919 to 1927	Students entering the school of medicine, by State of birth, 1923-1927	Graduates from the school of medicine, by State of birth	Students entering the law school from 1922-1927	Graduates from the law school from 1922-1927
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Alabama.....	1,447,032	900,652	62.2	4,435	2,557	0	48	\$276,720	\$172,119	\$20,750	\$873,519	\$543,328	\$336,500	28	34	19	16	1	1
Arkansas.....	1,279,757	472,220	36.8	3,329	1,225	0	28	263,555	96,988	20,654	629,207	231,548	68,166	23	7	4	5	1	0
Delaware.....	192,615	30,335	19.9	606	120	0	15	100,742	20,047	10,000	162,242	32,286	21,000	11	0	4	2	0	1
Florida.....	638,153	329,487	51.6	8,391	4,329	103	47	156,609	80,810	25,820	1,116,094	576,904	10,000	28	24	16	16	3	1
Georgia.....	1,689,114	1,205,365	71.4	7,789	5,561	0	74	571,296	407,905	19,667	732,354	522,900	42,500	43	44	30	21	1	5
Kentucky.....	2,180,590	235,998	10.8	6,460	697	0	47	282,252	30,483	8,505	1,185,567	128,041	40,000	32	33	11	18	4	0
Louisiana.....	1,096,611	700,257	63.8	4,035	2,574	84	42	232,754	148,497	23,655	1,198,158	1,530,024	46,515	23	23	18	12	1	1
Maryland.....	1,204,737	244,479	22.9	5,670	1,298	0	74	302,457	69,262	0	956,149	218,958	74,968	58	51	11	29	5	4
Mississippi.....	853,962	935,184	109.5	850	930	0	33	235,649	258,035	39,592	709,529	842,634	65,251	19	18	11	10	3	2
Missouri.....	3,225,044	178,241	5.3	17,595	932	518	24	297,046	16,743	3,125	7,714,747	196,881	114,773	24	11	0	0	0	0
North Carolina.....	1,783,779	763,407	42.7	5,587	2,385	0	165	342,130	146,089	20,086	4,180,479	1,785,064	542,111	118	60	43	59	4	10
Oklahoma.....	1,821,194	149,408	8.2	20,530	1,683	0	8	247,028	20,256	5,000	3,418,277	280,298	95,900	8	14	0	0	0	0
South Carolina.....	818,538	864,719	105.0	4,030	4,231	887	84	225,906	237,201	34,328	1,812,456	1,903,078	101,150	48	33	33	31	3	7
Tennessee.....	1,885,993	451,758	23.9	2,140	511	0	33	773,583	184,886	12,000	3,579,042	138,391	54,999	24	18	6	10	3	4
Texas.....	3,918,165	741,694	18.9	21,546	4,072	723	70	487,289	92,097	1,978	5,652,526	1,068,327	216,070	48	55	21	22	1	6
Virginia.....	1,617,909	690,017	42.0	10,475	4,399	0	234	286,119	120,169	26,996	1,818,805	763,898	48,156	153	96	72	90	9	10
West Virginia.....	1,377,235	86,345	6.2	5,492	340	756	30	224,317	13,907	10,629	1,852,685	114,866	272,750	21	0	7	14	2	3
Total.....	27,030,398	8,980,506	33.2	128,958	37,844	3,071	1,056	5,305,452	2,114,494	282,785	31,651,836	10,876,426	1,850,809	709	521	306	355	41	55

¹ These data were obtained from "Biennial Survey of Education, 1922-1924," Department of Interior, Bureau of Education Bulletin (1926) No. 23, and State Superintendents Reports for 1922-1924; Bureau of Education Bulletin (1927) No. 37.

² Includes also appropriations for schools above secondary but of junior collegiate grade.

³ This includes 348 students of secondary school grade.

⁴ This includes 574 students of secondary school grade.

⁵ This includes 261 students of secondary school grade.

⁶ This includes 442 students of secondary school grade.

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman, I am taking this short time to suggest that from my point of view this kind of legislation is totally unauthorized by the Constitution. I am not a great constitutional lawyer, but the question has been referred to by the gentleman from Michigan and others. I do know, however, that the Howard University was incorporated in the same atmosphere that the tenure of office act was passed, along after the Civil War. That act particularly brought President Johnson into condemnation, and on the basis of it he was impeached. The act was declared to be unconstitutional by the Supreme Court only last year, to be totally outside the scope of the Constitution and the authority of Congress. Howard University was incorporated and Federal funds began to be paid over to it about the time that the cotton tax act was passed, which also was held to be unconstitutional by the Supreme Court, but under which during the years 1867, 1868, and 1869 several hundred thousand dollars were collected from cotton growers in the South, which money still remains in the Treasury of the United States, notwithstanding the fact that the law has been declared unconstitutional. It was incorporated also about the time that the Freedman's Bureau was created, and the Credit Mobilier was the talk of the country. I mention the conditions under which this institution was founded to suggest to you that our public mind was not at its most favorable condition, and consequently it might not have taken into consideration with proper and due regard all of the provisions of the Constitution. I am against the proposition contained in the bill for that reason.

I suggest to the membership of the House that my own State, Mississippi, maintains splendid schools for the negroes. It maintains colleges for negroes. Mississippi has more negro children in its schools than any other State in the Union or any other governmental subdivision in the Union. We have done everything that we know of to provide for them and educate them and bring them up. We have done that as a State proposition and have not looked to the National Government to do it, as other States have not. For that reason it seems to me that we are going outside of the scope of the Constitution when we devote these funds to the purpose we are now authorizing them to be devoted to. The truth about the question is that there is more political dynamite involved in this bill than in any other bill that has been before the House in a long while.

We all know that many are voting a political vote who are involved to any extent with the colored vote back in their districts. That being the situation, I suggest to the brethren who are opposing this bill so valiantly that the problem will soon be theirs and not ours of the South, for the simple reason that statistics show that during the last 10 years the colored population in the South increased only 1.9 per cent. My own State of Mississippi lost 74,000 negroes. The Northern and Eastern States have gotten these negroes. In Michigan the colored vote increased 251 per cent.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. REED of New York. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, there is a matter that I want to call to the attention of my colleagues from New York. When you come up to my district and tell my people that Congressman LAGUARDIA does not get along with his own party, just be reminded that to-day you are not getting along with your party. We had to-day a bit of prohibition immigration question, and now the colored question, and I see many of my colleagues not in complete harmony with their party. The gentleman from Mississippi [Mr. BUSBY] raised the question as to the constitutionality of the bill now under consideration. I want to suggest to the gentleman that when the Constitution was amended, giving negroes citizenship and equal rights, that amendment carried with it the obligation of giving the negroes an equal opportunity for education in this country. [Applause.] A republic and a representative government without education can not endure. If the State of Mississippi is doing so much for the higher education of the negro, I should think it would welcome this movement to relieve it of a part of the burden now imposed upon the State.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. No; I have only a few minutes.

Mr. BUSBY. I will give you the one minute you took away from me.

Mr. LAGUARDIA. Oh, that is like giving a negro the right to buy a Pullman car ticket in your State. [Laughter.]

Mr. GREEN of Florida. Can they ride with you?

Mr. LAGUARDIA. Surely they can.

Mr. Chairman, it seems strange that in this day and age there should be objection to endowing a university of this kind. I would do more of it. This Government can well afford to spend money in this way. The purpose of this bill is simply to avoid kicking the Howard University around every year when we have under consideration the appropriation bill.

In New York City our colored boys can enter the College of the City of New York and the colored girls are entering Hunter College. We provide for their education, whether they come from the South or elsewhere, and we believe in making the fourteenth amendment something real. [Applause and cries of "Vote!"]

Mr. LOWREY. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. GASQUE].

The CHAIRMAN. The gentleman from South Carolina is recognized for two minutes.

Mr. GASQUE. Mr. Chairman and gentlemen of the committee, I regret very much that my friend the gentleman from New York [Mr. WELLER] saw fit to state that this was a sectional measure, opposed only by the Members of his side from the South, and to leave the inference that the South was opposed to negro education. In the two minutes I have I want to in part reply to that statement. I came from the South and had the honor to be superintendent of schools of my county for 20 years, and I want to state that the South never was opposed to negro education. The South is providing to-day some of the best schools—both high schools and colleges—in this country for the Negro race, and doing this largely out of the white taxpayers' money. In the State I have the honor in part to represent we have as fine a negro college as the State of New York or any other State, supported wholly by the taxpayers of that State. It may not be as large, but is just as good. I resent the inference that the South is opposed to the education of the negro.

My opposition to this bill, as I am sure is the case with others on this side of the House, is that it is unconstitutional, and it violates one of the fundamental principles of this great Government of ours, in that it takes money from the Federal Treasury and gives it to a private denominational institution for the purpose of fostering not only education but the power and influence of that particular denomination. No man who believes in the principles upon which this Government was founded can conscientiously vote for this bill. Why not appropriate money out of the Federal Treasury to the support of an Italian or a Jewish university or a university operated by any other denomination or peoples? If this precedent is followed, where will we end? We have the same right to appropriate money to any private institution as we have to pass this bill.

I am convinced that the question of higher educational institutions of learning is one for the State and the various religious denominations to handle, or for private enterprises.

I am convinced that what I have to say will not keep this bill from passing, as there is more involved in this than mere principle.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BLACK of New York. Mr. Chairman and gentlemen, I can not leave the remarks of my distinguished colleague [Mr. LAGUARDIA] to go unchallenged. I want to say that it was a Republican-controlled Congress which passed and a Republican President who signed the immigration bill he does not like, and the Republican administration that he supports has refused to modify the prohibition act.

I am a member of the committee that reported this bill. There is nothing in it to be excited about.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. BLACK of New York. No; I do not yield to the gentleman.

As to this bill, I say, there is nothing to be excited about. All this bill does is to put out of business a point of order that is made every year against the item appropriating money toward the support of Howard University. There is no racial or sectional proposition involved in it. We are going to pass appropriations for the institution, whether this bill is enacted or not. We have done it before, and we will do it again. As I said, I am a member of the committee that reported this bill, and I am in favor of it.

I had an agreement with the chairman that I would yield the remainder of my time to my colleague from New York [Mr. CELLER].

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Chairman, I just want to remind the House that this bill provides that no part of the money appropriated shall be used for religious instruction. Out of 2,155 students in that institution in 1926 only 49 were in that part of the university where theology is taught. Thus only about 2 per cent of the students are in the school of religion. The religious school, therefore, in point of students is the least important of the university's schools.

I hail from Brooklyn, and I desire to point out that the former president of Howard, Dr. J. Stanley Durkee, now occupies the pulpit of a famous Brooklyn church, Plymouth Church, of Dr. Henry Ward Beecher fame. Dr. Mordecai W. Johnson succeeds Doctor Durkee at Howard. He is the first colored person to preside over Howard University.

We have heard something about the unconstitutionality of this provision. If it is unconstitutional—and that I doubt—we are quite estopped, after 49 years of appropriations, from raising that issue. I might also say that if it is unconstitutional to appropriate moneys for those of the colored race in Howard University, it is quite as unconstitutional to appropriate money for the land-grant colleges throughout the length and breadth of this country, and as well, it is unconstitutional to appropriate money for the education of Indians.

Morally we have every duty to help educate the negro as well as Indian. We took the Indian's land and kept him on reservations. We took or, rather, filched from him his cherished possessions. No one has raised a question about educating him. Did we not equally coerce the colored race? We brought the negroes from Africa, kept them in bondage. We freed their bodies. But should we not as well free their minds? We can only do that by education.

There is another point I would like to make, and that is this: As far as medical education is concerned, we find, for example, that in 1926 there was only 1 colored doctor among 3,194 colored persons, while there was 1 white doctor for 553 white persons. That disparity in itself should force you to the conclusion that you must vote for this bill. This disparity subsists to the same marked degree even to-day. Howard University is the only university where a colored student can get a complete medical education. It is the only place where he can get the very essential bedside training. He may enter some of the other medical schools, but sooner or later he will feel the prejudice and will be finally proscribed. But at Howard there is the Freedman's Hospital, where colored folk are treated. They will not object to the colored interne or student. But white folk in the hospitals near or adjoining other medical schools will object to the negro interne or student at the bedside. See how illuminating is the testimony of Doctor Durkee on this score:

A colored man can go into one of the other medical schools, and for the first two years he is in the theory department of medicine. He is in the classroom and working in the private laboratories. There, there is no trouble at all; 100 or 200 colored men could be put in our large medical schools in this country in the first two years. But when you come to your second two years you get to the clinical years, and the students must be taken to the bedside in the hospitals; they must be taken frequently to private practice. I will tell you what was said by the dean of one of our greatest medical schools in this country. He said, "The individual professor does not know just when, if he takes a colored man to a particular hospital or to a particular bedside, he is going to strike a rumpus." And rather than take the chance at all he sidesteps it. Hence, when colored men get through their first two years they immediately run into that difficulty. Now, a few work it through, but the great majority write to Howard University and ask, "Can we not come in for your junior and senior years?" We are overcrowded and we can not take them. Now, the supply is being shut off because of that reason in the other great medical schools, and they are leaving it to Howard University alone.

Mr. FENN. How do you get rid of that difficulty in Howard University?

Doctor DURKEE. We have no difficulty, because we have the Freedmen's Hospital, a great hospital, right there near us.

Mr. FENN. It is right in the same grounds, is it not?

Doctor DURKEE. Howard University granted to the United States Government 11 acres of land on which the Government built the Freedmen's Hospital, and there we have innumerable opportunities.

Surely, colored doctors are as necessary as white doctors. Epidemics like the "flu" do not draw any color line. "Flu" attacks white and black alike. Should not the blacks be properly protected by a full supply of colored doctors—not only for themselves but also for the protection of the whites as well—for if the colored are not properly cared for the contagion can not be kept from the whites. Thus from a selfish standpoint, if from no other, you must preserve Howard for medical education of the colored people.

The same disparity obtains as to dentists. There was in 1926 1 white dentist to 2,070 white people, while there was but 1 colored dentist to 20,000 colored persons. Surely that is sufficient argument to encourage passage of this bill.

Is there discrimination against the negro in higher education? I will let you judge.

In West Point I think there are no colored cadets. In Annapolis there are no colored midshipmen. Only three colored men graduated from West Point. In the great universities there are few negroes to matriculate; one must attach a photograph to the application. The reason is obvious. Yet at Columbia and Harvard there are many Chinese. The yellows are not taboo, apparently.

This institute, Howard University, is national in character and, to my mind, there is no greater need in this country to-day than that of higher education of colored men and women of the Nation. There is a great lack of negroes in various professions. The negro, ostracized from so many things, should not be kept from education. The negro is proud and he would not accept of this charity from the Government if money were available from other sources.

This bill should pass so that hereafter appropriations for Howard University will be proof against the parliamentary point of order.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LOWREY. Mr. Chairman, I yield to myself the rest of the time allotted to my side.

The CHAIRMAN. The gentleman from Mississippi is recognized for eight minutes. [Applause.]

Mr. LOWREY. Mr. Chairman and gentlemen of the committee, I think it is very unfortunate that this discussion should in any way take a trend or be looked upon as a partisan question, politically, or as a sectional question. The most painful thing to me in all the discussions of this question all the way along has been the way that feature has been injected into it.

There has been much insinuation on the floor like that made by my Democratic friend from New York, that we southern folks were awfully wicked in our attitude toward this question and toward the education of the negro. Well, now, I am not going to say anything ugly or make any accusations, but I believe I am forced to tell a little story. The secretary of a Congressman north of the Ohio—I will not say where—said to a southern Congressman's secretary lately, "There is no one I hate more than a damned nigger, but we have got to support this bill because my boss must have the negro vote in his district to get by." I am not going to tell you who said that, and there may have been just as mean and bitter things said by those coming from the South; but what I am coming at is this: The race feeling and the partisan feeling is not all on one side of this matter, but there is a political feature in it which we all have to admit is there. I wish we could forget the political feature. I wish I had the time to go somewhat into an answer of some things that were brought out on the floor by my good friend from Michigan [Mr. CRAMTON], who quoted from a little pamphlet presented by the Howard University. I started to say it is a little singular—but it is not singular, either—that Howard University, in sending that to the Congress, took the 17 States in which the colored and white folks are separated in the schools and then the 3 States, Mississippi, Louisiana, and Georgia, from which the three men come who signed the minority report in this matter.

But with charity to all and malice toward none that analysis by Howard University was the most inexcusable, unjust, and unfounded thing I have seen on the question. I have been looking those matters up through that presentation by Howard University and I have been looking it up through the negro yearbook, which is gotten out by Tuskegee. So I am taking my information entirely from those sources. In the 17 States referred to where the races are segregated in the schools, according to this pamphlet from Howard University, the negro population in those States is about 9,000,000 to 27,000,000, I believe it was stated here, about one-third, and the argument is, therefore, taking my State, Mississippi, where there are more negroes than there are white folks, that there ought to be more of college money appropriated to negroes than to white folks because it is dealing entirely with money appropriated to colleges and not money appropriated to public education. Now, the truth is this: That if you will take the number of negro college pupils in those 17 States and divide the number into the amount of money the States and Federal Government give to those colleges you will find that it amounts to \$694 per pupil. That much is spent on every negro college pupil in those States out of State funds and Federal funds, and most of it comes from State funds. For the white people in the same States the

amount of State funds and Federal funds for white college pupils aggregates \$286, a good deal less than half of the amount given to each negro pupil. So we are not defeating the negro in his rights.

Now, somebody says, why are there so few negro pupils in the colleges? Well, in the first place, the negro in the South takes largely to denominational colleges and private schools rather than to the State colleges. For instance, in my own State we have only 388 negroes in the State college for negroes, but we have something over 6,000 in the colleges all told. There are about five or six colleges run by the denominations, run privately, and run this way and that; and there are something like 6,000 negroes in all those colleges put together, but only a little less than 400 in the State college. They take to the denominational colleges.

Now, there is another thing which we all have to meet and we should meet it squarely. The negro has been out of slavery only a few years. I imagine there are 50 white students in my State really ready for college to 1 negro ready for college; I mean ready and able to go and enter college.

Now, this pamphlet argues that we must divide the money according to the population.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, in answer to the statement that has been made that this authorizes an appropriation for a sectarian institution, I simply want to call attention to the fact that the act of incorporation, a copy of which I hold in my hand, has nothing in it in regard to any sect or any race. This institution is incorporated the same as every other non-sectarian institution of learning in the United States.

Mr. Chairman, I want to state that as chairman of the Committee on Education in the Sixty-eighth Congress I had the honor to report a bill similar to this one, and it passed the House, but failed to pass the Senate. The same thing happened in the Sixty-ninth Congress.

Howard University is doing a great work and I can not understand how gentlemen from south of the Mason and Dixon line—some of them—are averse to having colored doctors get the best possible medical education, and Howard University is the only place where they can get the best and most up-to-date medical education. It is important that there should be trained doctors and nurses and school-teachers of this race, and Howard University is a great national university that is doing a great work, and I trust the bill will pass by an overwhelming vote. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman, it seems to me when a question of progress comes before us we are always confronted with the bugaboo of constitutionality. It is a favorite cry for the lawyers to bring forth. There has never been a single progressive step made in the forward march of humanity that some one has not brought up the cry of constitutionality.

The fact is this can not be raised against the pending measure justly. In addition to the 49 years in which we have been making appropriations through congressional action for this institution, thus showing clearly the trend of feeling of the Nation toward the institution, it has become and is to-day more of a national problem than ever before, and therefore ought to receive the most hearty support we can give it. You gentlemen of the Southland have been standing with us on the question of immigration. Now the Nation as a whole is confronted, as it never has been before, with the question of migration, and the negro problem is no longer a southern problem; it is a national problem.

I have within my district one city of over 100,000 population in which the negro vote is the controlling vote. I have other cities in which there have come up great migrations from the South. They are not the northern negro, they are the southern negro; and in this Capital City the negro population is increasing by leaps and bounds, and it behooves us of the North and of the South, of the Nation everywhere, if for no other reason than that of sanitation and health, that we have trained leaders as physicians and as nurses in this race. [Applause.]

Howard University is an institution of national importance. It is not simply an institution for the Negro race confined to the citizens of the District of Columbia. The District of Columbia has 598 pupils there, Maryland 115, but the fact is that nearly every State in the Union is represented in its enrollment. The Virgin Islands has 2, the British West Indies 29, and the British Guiana in South America 18; in fact, its

reputation and excellency of training has spread to the most of the countries of this hemisphere.

For 49 years the Congress of the United States has been giving favorable consideration to Howard University. Since the Budget Commission went into effect the appropriations for the Interior Department of the Government has carried an item covering various needs of the university. It has been objected to by Members of the South on the ground of constitutionality and struck from the bill on a point of order only to be restored by the Senate and passed by the conferees.

The bill before us to-day is meant to correct that objection and give the Appropriations Committee authority to make such appropriations as from year to year the demands of the university may require.

The cry is raised against the measure that it will be unconstitutional. That is the cry always raised by opponents to progress. Of course, this is constitutional, and the purpose of the bill contemplates nothing that is not constitutional. There has never been a single progressive step made in the fall and march of humanity that some one has not brought up the cry of constitutionality.

For many years the American people, in answer to the obligation owed the Indian, have appropriated money to build schools and hospitals wherein their youth might be trained and educated to become the leaders of their people, the hospitals to teach them the art of healing and sanitation.

The obligation of the Nation to the negro would seem to me even stronger than in the case of the Indian. The negro was not robbed of his land as was the Indian, but he is here and by force brought to the shores of this country, and in this strange land unwillingly became a slave of the white man, and for generations his lot was nothing more than that of a chattel. And since that time by manual labor only, untrained and unskilled, he has largely been compelled to eke out a precarious existence.

Howard University is a practical demonstration of the response of this Nation to its moral obligation. While it is true that negroes may be admitted to the colleges of the North and the South, the conditions of admission are very much restricted, and generally this may be said that these colleges are not open or available to the Negro race except for industrial training.

Here you have in Howard University a class A school, where the students receive a fine and complete training to go out as teachers, lawyers, preachers, doctors, and business leaders. All of this is most needed and most commended.

There is, however, a further consideration for the passage of this bill and a strong practical reason why an institution like Howard University should be maintained in the District of Columbia. The Freedmen's Hospital was authorized by Congress in 1904 and was built upon the land owned by Howard University. The university generously leased the land to the Federal Government for 99 years at \$1 a year, with the privilege of renewal for a like period. The existence of this hospital, so near to the medical school of Howard University, affords the students of the university an opportunity which exists nowhere else in this country to acquire the clinical instruction which is necessary to complete each student's medical course.

The great importance to the country as a whole of having this institution is more readily visioned when we recall that the negro is no longer a race simply in the Southland, but through the migration of the last decade and a half has become a resident and a citizen in great numbers in practically every city of the Northland. This institution is not only capable of training leaders for the colored race in all walks of life, but what, perhaps, is more urgent, makes possible a supply of properly trained physicians and nurses; and therefore is for the protection not only of the health of the Negro race but the health of all people of this Nation, white as well as black.

Mr. Speaker and gentlemen, in conclusion I can not help but bear tribute to the progress of the Negro peoples in the last past century. They have under an almost insurmountable handicap leaped forward in education and training and leadership. Instead of an economic burden they are becoming an economic asset to the Nation, and year by year are finding more and more their place in all walks of material, educational, and spiritual leadership. We can only wish them the best, and surely in this way as a Nation assist in their great endeavor to still further fit themselves to take their place in our civilization.

Mr. REED of New York. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, this bill (H. R. 279) to incorporate the Howard University in the District of Columbia, is in reality a bill to amend the charter of the university, which was approved on the 2d of March, 1867, by adding a section known as section 8 providing—

Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction.

For the past 49 years, Congress has been appropriating for the maintenance of this university, and for this year about \$218,000 was provided by the Budget. These appropriations for nearly half a century have been without legal sanction and this amendment will if passed legalize future appropriations. It does not burden the Government any more than the Government has in the past assumed the burden. It does not bind the Government to any appropriations, but merely gives the authority, and when an appropriation is recommended in a bill, Congress may refuse to make the appropriation if it deems proper. It is entirely free to use its judgment.

For my part I shall vote for the bill, not only because I think appropriations should be legalized, but because I am in favor of these appropriations. I do not think our Government can spend money for a better purpose than the education of our people, be they white or colored. The very foundation of our governmental system is based upon the education of the electorate. The better our people are educated and the more of them, the firmer will be the foundation of any democratic government whether it be the United States or any other.

I look upon this Howard University, which had its inspiration and organization under Gen. O. O. Howard and General Ballock some 60 years ago, as a national university for the colored race. There are to-day some 12,000,000 colored people within our borders, and this, to my knowledge, is the only institution of its kind in the country. It is not generally known that there are some 2,000 colored students at this university, both male and female. The curriculum is of the highest. The American Medical Association has placed it in class A, so that its medical graduates are permitted to take the State board examination in any State of the Union.

The university is certainly doing a great work in the education of medical students. If there is one thing scarce among the colored race it is trained doctors, and may I say here that the very high standard now required makes all doctors very scarce especially in rural communities.

The university also educates lawyers, dentists, pharmacists, ministers, and many in the liberal arts and sciences. I feel that this institution fills an important place in the educational formation of our country. The District of Columbia has 598 pupils there; Maryland, 115; in fact nearly all the States of the Union are represented in this university. The far off Virgin Islands have two; the British West Indies, 29; and British Guiana in South America, 18; in fact its reputation has spread to most of the countries of this hemisphere. [Applause.]

I insert as a part of my speech a list of the States and countries represented:

Howard University geographical distribution—August, 1925-26

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES										
Alabama	13	3		2	1		2	1	3	29
Arizona	1	1	1			1	1			5
Arkansas	13	1	2	1		1	3			21
California	6	1				2	4	2		15
Colorado	3	1	1	1					1	7
Connecticut	11	2	3				5	3	2	27
Delaware	6	1					3	1		11
District of Columbia	284	166	28	33	22	20	38	10	7	598
Florida	12	3		1	3	1	5	4	3	32
Georgia	20	5		2	2	4	8	2	3	46
Illinois	6	5			2		8	1	1	24
Indiana	6	4	2	2	2		2	2		20
Iowa	1						2			3
Kansas	12					1	1			14
Kentucky	19	2	4	2	3		4		1	35
Louisiana	15	3			3		5			29
Maryland	39	32	8	3	9	7	12	1	4	115
Massachusetts	12	4		1		1	2	4	2	26
Michigan	5	1					4	1		11
Mississippi	8	1	1	1	1		3			15
Missouri	16	11	3		1	1	3	2	2	39
Nebraska	3						1			4
New Jersey	32	28	3	2	6	3	12	10	3	119
New York	36	5	5	1	1	2	24	18	6	98
North Carolina	49	12	3	1	4	6	8	6	9	98
Ohio	19	3			7	3	3	1		38
Oklahoma	3	3		1	1	5	1			14
Oregon						1				1
Pennsylvania	66	19	6	3	7	4	7	6	5	123
Rhode Island	5					1		2		8
South Carolina	24	3	1		4	3	4	1	2	42
South Dakota										1
Tennessee	9	5	3		1	2		1		21

Howard University geographical distribution—August, 1925-26—Contd.

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES—continued										
Texas.....	32	10	1	1	1	4	8	3	2	62
Virginia.....	61	27	5	1	15	10	24	13	8	164
West Virginia.....	12	10	3		2	2	7			36
Wisconsin.....							1			1
FOREIGN COUNTRIES										
Africa.....			1		5	1	1	1		9
British West Indies.....	14				7		6	1	1	29
British Guiana, South America.....	9				2		5	2		18
Canada.....	4									4
Canal Zone.....	1									1
Central America.....					1					1
Cuba.....	1									1
Dominican Republic.....	1				1			1		3
Jamaica.....							7			7
Porto Rico.....	2					1	1			4
Republic of Colombia.....							1			1
Virgin Islands.....	1						1			2
Total.....	912	372	88	59	114	88	226	101	72	2,032

Evening classes, 115.

I should not approve of appropriations to universities all over the land, and do not consider it a precedent in voting for this bill or for an appropriation to this university. Located in the National Capital of the country, and having in its student body men from nearly every State of the Union, all received upon the same basis and the same tuition, it is national in all respects. It is not generally known that the National Government appropriates eight millions of dollars and over to universities and colleges in all sections of the country. These appropriations are what are generally known as land-grant appropriations. Some \$4,317,583 goes to those States north of the Mason and Dixon line, and \$3,759,742 to those States south and west of the Mason and Dixon line, of which our own Maryland Agricultural College, now a part of the University of Maryland, receives \$142,936. The truth is: The Maryland Agricultural College should receive at least \$50,000 more, because it not only acts as the land-grant college of Maryland, but also for the District of Columbia, having more than 200 students from the District. The District now receives no part of these land-grant appropriations, which it should receive and definitely designate the Maryland school as its land-grant college.

I merely quote these appropriations to show that it is nothing new for Congress to make appropriations for educational purposes.

Now, Mr. Chairman, I can not resist the temptation to call the attention of this House to the stand it took against permitting our Maryland students from surrounding counties to attend the schools of the District. It was certainly to my mind a very shortsighted policy, and one not in accord with the good-will policy which should exist between Maryland (practically the metropolitan district of the city of Washington) and the District of Columbia itself. There will be a chance for this House to reverse itself and to do justice to Maryland and Virginia in this matter. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield two minutes, which will consume all my time, to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, Howard University was incorporated by the Congress of the United States in 1867, and for 48 years the Congress has been making annual appropriations to help to support this worthy institution.

The negro problem is not an important problem in my State, but we all recognize the importance and the necessity of helping to solve what is commonly spoken of as the negro problem throughout the country. Here is a great institution with 2,000 students, with instructors, many of whom have been graduated from Yale and Harvard Universities. They are doing very high-class work. They are doing for the colored people what we are doing for the white young men and women throughout the country. This means nothing new. This does not mean that any larger sums of money will be appropriated in the future than in the past, but it will permit us to do in an orderly and in a parliamentary way that which we have been doing for the past 48 years.

I shall vote for the bill. [Applause.]

The CHAIRMAN. All time has expired, and the Clerk will read the bill for amendments.

The Clerk read as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"Sec. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

Mr. LOWREY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LOWREY: In line 8, after "university," strike out the comma and the words "no part of which" and insert in lieu thereof the following: "in amounts not exceeding those which annually may be appropriated toward the support and maintenance of George Washington University in the District of Columbia which are hereby authorized, and no part of the said appropriations to Howard University."

Mr. CRAMTON. Mr. Chairman, I make a point of order on the amendment.

Mr. LOWREY. Will the gentleman reserve it?

Mr. CRAMTON. I will reserve it.

Mr. LOWREY. Mr. Chairman, all this amendment does is this: It does not take away a thing from Howard University, but it does give Congress the same power to appropriate to a university for white people in the District that we are using to appropriate for the negro students.

Now, there are over twice as many young white people in George Washington University as there are negro students in Howard University. The university reports to me about two-thirds of the students in George Washington University are young women and men who are working in the departments of the Government, in congressional offices, running elevators and working hard during the day and then spending their hard-earned money and their time at the university instead of taking recreation.

If we are going to adopt the policy of appropriating to universities in Washington it seems to me we should adopt this amendment. You talk about having to account to the negro vote in your districts. What about the vote of the young white folks who are here from the congressional districts in the United States? There are more than twice as many of them at the George Washington University as there are negro students at the Howard University.

All I ask is to do like the chairman of the Appropriations Committee not long ago did when he came on the floor and said, "I know this is subject to a point of order, but I hope no gentleman will make it, and if it is not made and goes through it will be legal if no point of order is made against it." What I want to appeal to is the loyalty of this Congress to the struggling young white people in George Washington University as well as the negro students in Howard University. These white students pay more than twice as much tuition because they get nothing from the Government.

Now, if we are going to maintain a university in the District of Columbia let us make it two. This provides that Congress may legally appropriate for George Washington University.

Mr. CRAMTON. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Mississippi as not germane. We are amending the act incorporating Howard University, and the amendment offered by the gentleman from Mississippi authorizes an appropriation for another university and is not germane. I think that is probably sufficient grounds for the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

Mr. LOWREY. Will the gentleman yield to me to offer my second amendment, and then he can proceed?

Mr. McKEOWN. I will yield.

Mr. LOWREY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LOWREY: Page 2, line 5, after the word "education," insert a new sentence, as follows: "All expenditures incurred under this section shall be charged against the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed in the appropriation act in which the provisions therefor are contained."

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I think I know pretty well the minds of the men from the southern part of the United States on this question of the education of the Negro race. I know that the State of Oklahoma is spending generously to-day and has so spent in the past for the education of the negro. The only proposition here is that, because a man votes against this bill, you want to class him as being opposed to the education of the negro. It depends a good deal upon the viewpoint as to what kind of education he is going to get. I know that the education of the negro has been to the benefit of the race, and everybody knows that; but there are some things taught in some places that are not good for the race, nor good for the white people.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield? Mr. McKEOWN. Yes.

Mr. O'CONNELL. His education ordinarily is limited now, and, if you don't give him this opportunity, he will not get any chance at all.

Mr. McKEOWN. I say this to the gentleman. Proper education for the negro is a matter that should be sought and is sponsored, I dare say, by every man who lives in this country, whether he is from the South or the North. But I call attention to this. You are here legalizing—and I do not know whether it has been approved by the Budget or not—appropriations in the future for this school, and you do not know whether they are going to teach the things that are going to be for the benefit of the Negro race or not.

Mr. O'CONNELL. We have been doing it for 49 years.

Mr. McKEOWN. Yes; and the RECORD here shows that they are advocating intermarriage between the white and black races, and the gentleman knows that that means the destruction of this country if it be maintained.

Mr. O'CONNELL. The gentleman does not know that.

Mr. McKEOWN. The gentleman knows that the RECORD shows that that was taught. I suggest the gentleman look at the RECORD of March 7.

Mr. GALLIVAN. What RECORD would show that?

Mr. McKEOWN. The RECORD of Congress of March 7. At that time there was inserted a statement that has not been denied.

Mr. GALLIVAN. Will the gentleman tell me who wrote that?

Mr. McKEOWN. It was a statement alleged to have been made by the president of Howard University. I am in favor of the education of the negro, but I want to see to it that he is properly educated and that something is not built up here that will destroy the country.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. LEAVITT. Is not this the situation? It was charged on the floor of the House that such teaching had been made.

Mr. McKEOWN. Yes.

Mr. LEAVITT. The question was asked by the gentleman from New York [Mr. CLARKE] as to whether there was any proof of that. No proof was given except a clipping. The gentleman from New York [Mr. CLARKE] the next day or so put into the RECORD a letter from the president of Howard University setting forth his side of the question, and entirely denying it, and as far as I am concerned, satisfactorily denying it.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. TARVER. Does the gentleman know that the letter from the president of Howard University that was inserted by Mr. CLARKE makes no positive denial of the charge that was made upon the floor?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CRAMTON. Does the gentleman recall when this question came before the House on the matter of appropriating \$390,000 to Howard University, which was inserted in the Senate on the Interior appropriation bill?

Mr. McKEOWN. Yes.

Mr. CRAMTON. The gentleman from Oklahoma who now has the floor was one of 259 Members of the House who voted for that appropriation.

Mr. McKEOWN. Yes; I voted for it at that time, because I believe in education, but I am not going to vote for this bill which would perpetuate this thing. At present you have not a law making it legal, and it is subject to a point of order, then whenever they get teaching things of that kind in that school the Congress of the United States at any time can withdraw its aid. You are here fixing it so that we can not withdraw that aid.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LOWREY. Mr. Chairman, I rise now to speak on my second amendment, which simply provides that the appropriations made to this institution shall be made out of the funds of the District just as other educational funds in the District are appropriated. A claim has been made that this education is national in its scope.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. CRAMTON. Did I understand the gentleman just now to say that his amendment provided that the appropriations should be divided as between the Federal Government and the District, as other appropriations in that bill? The word "other" is not in the amendment.

Mr. LOWREY. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

There being no objection, the Clerk again reported the amendment, as follows:

On page 2, line 5, after the word "education" insert a new sentence as follows: "All expenditures incurred under this section shall be charged against the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed in the appropriation act in which the appropriations therefor are contained."

Mr. LOWREY. Is that satisfactory?

Mr. CRAMTON. That is not in accord with the gentleman's understanding. That amendment would mean that each year's appropriation bill must prescribe how the funds shall be divided. It does not say that they shall be divided in accordance with other appropriations in the Interior appropriation bill. If so, that would mean nothing charged to the District, because the other appropriations are not charged to the District.

Mr. LOWREY. The gentleman means that the educational appropriations, the school appropriations in the District, are not charged to the District?

Mr. CRAMTON. But this item will be carried in the Interior Department appropriation bill, and the District of Columbia items are in a different bill. The gentleman's amendment would have the effect of leaving the question open for the determination of Congress each year, just as I may say of this bill if it becomes a law as written it leaves to Congress each year the decision of whether it will make any appropriation or not.

And if the majority of Congress should feel like that in making appropriations, no appropriation would be made.

Mr. LOWREY. To be frank, in order to try to make sure of my amendment, I had it prepared by the clerk in the rooms of the Committee on Appropriations. My idea was simply to charge this item to the District and make that institution one supported by the District of Columbia.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. CELLER. In the hearings conducted in 1926 the figures would indicate that these students came from 38 different States, including the District of Columbia. Would the gentleman saddle the entire burden on the District of Columbia for education given to citizens and residents of the States?

Mr. LOWREY. I certainly would, in this way: There are 9 colleges out of 10 in my country which are sustained largely by contributions made by the cities in which they are located. Those cities get every cultural advantage that comes to the college. They get the money brought in by the students. Every State institution, I think, in my State that has been located in any town has received money largely from the town in which it is located, and I notice that wherever colleges are maintained in a town, that town gets so much advantage from those who come from outside and who bring their money there and spend it there that the town readily contributes to the support of the institution.

Mr. REED of New York. Mr. Chairman, I move that all debate on this section, and all amendments thereto, be now closed.

The CHAIRMAN. The gentleman from New York moves that all debate on this section, and all amendments thereto, be now closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. GREEN of Florida. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 102, noes 25.

So the motion was agreed to.

Mr. TARVER. Mr. Chairman, I move to strike out the enacting clause. I am not sure if the motion is debatable, despite the action of the committee just taken.

The CHAIRMAN. The gentleman from Georgia moves to strike out the enacting clause. Does the gentleman from Georgia desire to be heard on his motion?

Mr. TARVER. Yes. In possible explanation of the attitude of the Representatives from New York, Maryland, and other neighboring States I want to point out—

Mr. LA GUARDIA. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. TARVER. I do not yield, Mr. Chairman. I have the floor, and I do not yield to the gentleman.

The CHAIRMAN. The gentleman from New York will state the point of order.

Mr. REED of New York. I make the point of order that the debate is exhausted.

Mr. TARVER. I am not yielding to the gentleman at this point.

Mr. BLANTON. Mr. Chairman, will the Chair hear me a moment on the point of order?

The CHAIRMAN. The Chair is ready to rule. Will the gentleman from New York state his point of order?

Mr. EDWARDS. Is the Chair ready to rule on that point and does not know what it is?

Mr. REED of New York. The debate is exhausted. The motion has been made and agreed to, to close all debate on the section and all amendments thereto.

Mr. TARVER. The point of order of the gentleman not having been made at the time I arose and addressed the Chair and the Chair having allowed me to proceed, the gentleman's point of order is too late.

The CHAIRMAN. The question in point is the ruling made by Mr. Chairman MacArthur, that a motion to strike out the enacting clause is debatable, even though the debate has been closed on a pending section.

Mr. TARVER. I am glad the Chair did not decide against me.

I started out to say that as a possible explanation of the attitude of Representatives from near-by States, I point to the fact that in the hearings upon a similar bill in 1926 it was shown that out of a total of 2,032 composing the student body of Howard University, 1,119 came from the District of Columbia, and the States of Maryland, Virginia, Delaware, and Pennsylvania, and only 395, or less than 20 per cent, came from the 10 States of the South, excluding Virginia, where the bulk of the negro population of this country resides. Therefore, as I said a while ago, this is a bill to take care of an educational problem that is more or less local to the District of Columbia and the adjoining territory. Again, there is not a single Federal dollar available for the professional education of the white man. The money appropriated under the so-called Morrill Act is for instruction in agriculture and the mechanic arts. All the other money appropriated for educational purposes to which the gentleman from Michigan [Mr. CRAMTON] made reference, a while ago, is expended under the direction of the Federal Board for Vocational Education and under the administration of the Department of Agriculture in agricultural extension work and in the conduct of experiment stations.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. TARVER. No; I do not yield because the gentleman refused to yield to me to ask him a question when he was discussing the same subject matter. The statements inserted in the RECORD which purport to show discrimination in the South in the allocation of Federal educational funds are erroneous, as will be proven by some data that I inserted in the RECORD on March 1, 1928. Those data show that the gentleman's figures are fallacious, and I trust gentlemen who are interested will find time to examine my remarks on the subject in the RECORD of March 1. It is conclusively shown that the charge of discrimination in the South in the allocation of funds for educational purposes received from the Federal Government is groundless.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. Does the gentleman rise in opposition to the amendment?

Mr. BLANTON. Yes.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I am against the motion to strike out the enacting clause of this bill because I believe it is a good bill. [Applause.] The colored race must have teachers, they must have doctors, they must have dentists, they must have nurses, they must have preachers, and they must have others of their race trained to guide them properly, and it is Howard University that gives this training to this race of colored people, that has suffered from time to eternity under the terrible handicap which God has seen fit to place upon them, and God knows they need this encouragement.

This colored race can get this special training in no other way. Colored students from Texas and every other State come to this colored school. I am one southern Democrat who is not afraid to vote for it, and there is not a colored vote in my district that will come to me by reason of my vote, not one; there is not a colored vote in Texas under our primary system there that could come to me by reason of my vote, hence I can reap no political benefit from it; and if there is a white vote in my district or in my State that would vote against me because I would give to this race this educational institution to train teachers, doctors, dentists, nurses, and preachers for them, then let it be cast against me. I am not turned hither or thither by the way the wind blows. I am going to do my duty on this bill and respecting every other bill that comes up regardless of political criticism. I think this bill should pass and I do not believe that a southern Democrat or a northern Democrat will be hurt by a roll call, and if they have a roll call let us southern men stand here like a solid phalanx and give this needed training to the colored race. [Applause.]

The CHAIRMAN. The question is on striking out the enacting clause.

Mr. CHINDBLOM. Mr. Chairman, while the Chair has ruled upon the point of order, I think it is very important that the exact parliamentary situation should appear. It is entirely within the discretion of the Chair whether he cares to hear any further discussion upon the question of the point of order. Of course, if the Chair has foreclosed that matter, then there can not be any further discussion, but I want to call attention to the special rule under which we are proceeding and to the effect of that rule.

The CHAIRMAN. The Chair believes it is of grave consequence that there shall be no erroneous ruling to serve as a precedent which will embarrass future presiding officers. He believes that the welfare of the House calls for the hearing of further debate on the question.

Mr. CHINDBLOM. I call the attention of the Chair to page 387 of the House Manual, 1927 edition, where I read:

And where a special order provided that a bill should be open to amendment in Committee of the Whole, a motion to strike out the enacting words was held out of order. (Hinds' Precedents IV, 3251.)

The present rule provides:

That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule.

I have not had time to refer to the precedent but have asked the parliamentary clerk to find it for me. It is in Hinds', IV, 3215.

I call further attention to page 103 of the admirable work by Mr. CANNON, a Member of this House, Procedure in the House of Representatives, where I read the following:

The reading of a bill for amendment in Committee of the Whole being concluded, a motion to strike out the enacting clause is not in order.

The reading of this bill for amendment has been concluded. It is true an amendment may still be offered, but the reading for amendment has been concluded and, therefore, a motion to strike out the enacting clause is not now in order. The purpose is that a motion to strike out the enacting clause should be made before a bill has been completely read and before all other opportunity for action has been closed.

The CHAIRMAN. Will the gentleman inform the Chair, inasmuch as this is a bill of but one section, when that other opportunity might have presented itself?

Mr. CHINDBLOM. This section, of course, is the entire bill. I think it should have been offered at once after reading. The reading has now been concluded.

Mr. CANNON. If the Chair will permit, I think the Chair will recall that two years ago, when the McNary-Haugen bill was under consideration the same point of order was raised and reference was made to the precedent which has just been cited. The Chair at that time, ruling hastily, sustained the point of order, but subsequently determined that this ruling was erroneous; that a motion to strike out the enacting clause is itself an amendment and is, therefore, in order.

Mr. CHINDBLOM. Under a special rule, may I ask the gentleman?

Mr. CANNON. Yes; under a special rule. We were proceeding at that time under a special order—precisely the situation we have here.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard further?

Mr. CHINDBLOM. No. I thank the Chair.

Under the leave to extend my remarks I wish to add that the gentleman from Missouri [Mr. CANNON] has refreshed my recollection as to the precedent I had in mind which relates to the main point that I desired to urge upon the chair. The ruling was by Chairman GRAHAM, of Illinois, on May 31, 1924, and may be read on page 10057 of the CONGRESSIONAL RECORD for the first session of the Sixty-eighth Congress. The McNary-Haugen bill was under consideration under a special rule, which provided that the bill should be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill the gentleman from Texas [Mr. BLANTON] moved to strike out the enacting clause. The gentleman from Missouri [Mr. CANNON] made the point of order that the motion was not in order because of the provision of the special rule that the bill should be read for amendment in committee under the five-minute rule. Mr. CANNON also made the point of order that the motion to strike out the enacting clause was not in order after the completion of the reading of the bill. After considerable debate the Chairman, Mr. GRAHAM, of Illinois, sustained the point of order. Upon an appeal taken from the decision of the Chair by the gentleman from Texas [Mr. BLANTON] the Chair was sustained by a vote of 179 ayes and 15 noes. The only point passed upon by the Chairman on this occasion was the effect of the special order, which provided that a bill should be open to amendment in Committee of the Whole. The Chair did not at that time pass upon the question whether the motion came too late during the consideration of the bill in the committee.

In fairness I wish to add that I am informed that subsequently the distinguished gentleman from Illinois [Mr. GRAHAM] stated alunde that he had reached the conclusion that the decision was incorrect. However, the precedent stands as the judgment of the Committee of the Whole on the occasion cited.

The CHAIRMAN. The question is on striking out the enacting clause.

The question was taken; and on a division (demanded by Mr. BLANTON), there were—ayes 28, noes 123.

So the motion was rejected.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Mississippi [Mr. LOWREY].

The amendment was again reported.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The rule provides that the committee shall now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 279, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

The SPEAKER. Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DYER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 226, nays 94, answered "present" 2, not voting 112, as follows:

[Roll No. 61]
YEAS—226

Ackerman	Chalmers	Faust	Hogg
Adkins	Chase	Fitzgerald, Roy G.	Houston, Del.
Allen	Chindblom	Fitzgerald, W. T.	Howard, Okla.
Andrew	Christopherson	Fitzpatrick	Hudson
Arentz	Clague	Fletcher	Hull, Morton D.
Arnold	Clancy	Foss	Hull, Wm. E.
Auf der Heide	Clarke	Freeman	Jenkins
Ayres	Cochran, Mo.	French	Johnson, Ill.
Bacharach	Cochran, Pa.	Frothingham	Johnson, Ind.
Bachmann	Cohen	Furrow	Johnson, S. Dak.
Bacon	Cole, Iowa	Gallivan	Johnson, Wash.
Barbour	Cole, Md.	Garber	Kading
Beck, Wis.	Colton	Gardner, Ind.	Kahn
Beers	Combs	Gibson	Kelly
Black, N. Y.	Cooper, Wis.	Gifford	Ketchum
Blanton	Cornling	Glynn	King
Bloom	Crall	Goodwin	Kopp
Bowles	Cramton	Griest	Korell
Bowman	Crosser	Griffin	Kvale
Boylan	Cullen	Guyer	LaGuardia
Brigham	Curry	Hadley	Lea
Britten	Dallinger	Hall, Ill.	Leavitt
Browne	Denison	Hall, Ind.	Leech
Buckbee	Dickinson, Iowa	Hall, N. Dak.	Lehlbach
Burtness	Douglas, Ariz.	Hancock	Letts
Burton	Douglas, Mass.	Hardy	Lindsay
Bushong	Dowell	Hastings	Lithicum
Cannon	Dyer	Hawley	Lozier
Carew	Eaton	Hickey	Luce
Carter	Elliot	Hill, Wash.	McLeod
Casey	Evans, Calif.	Hoch	McSweeney
Celler	Evans, Mont.	Hoffman	MacGregor

Maas	O'Brien	Simmons	Timberlake
Major, Ill.	O'Connell	Sinclair	Tinkham
Major, Mo.	O'Connor, La.	Sinnott	Trendway
Mapes	O'Connor, N. Y.	Sirovich	Underwood
Martin, Mass.	Oliver, N. Y.	Smith	Updike
Mead	Palmisano	Snell	Vestal
Menges	Parker	Somers, N. Y.	Vincent, Mich.
Merritt	Peavey	Speaks	Wainwright
Michener	Prall	Sprout, Kans.	Wason
Miller	Purnell	Stalker	Watres
Montague	Ramseyer	Stobbs	Watson
Mooney	Ransley	Strong, Kans.	Weaver
Moore, Ky.	Reece	Strong, Pa.	Welch, Calif.
Moore, N. J.	Reed, N. Y.	Sullivan	Weller
Moore, Va.	Reid, Ill.	Summers, Wash.	Welsh, Pa.
Morehead	Robinson, Iowa	Sweet	White, Colo.
Morgan	Rogers	Swick	White, Kans.
Morin	Rowbottom	Swing	Williams, Ill.
Morrow	Sabath	Tatgenhorst	Williamson
Murphy	Sanders, N. Y.	Taylor, Colo.	Winter
Nelson, Mo.	Schafer	Taylor, Tenn.	Wolverton
Nelson, Wis.	Schnelder	Temple	Wurzbach
Newton	Sears, Nebr.	Thatcher	Zihlman
Niedringhaus	Seger	Thurston	
Norton, Nebr.	Shallenberger	Tilson	

NAYS—94

Abernethy	Dominick	Jones	Rutherford
Allgood	Doughton	Kemp	Sanders, Tex.
Almon	Drane	Kerr	Sandlin
Aswell	Drewry	Kincheloe	Sears, Fla.
Bell	Driver	Lanham	Spearing
Black, Tex.	Edwards	Lankford	Steagall
Bland	Eslick	Lowrey	Steele
Bowling	Fisher	Lyon	Summers, Tex.
Box	Fulmer	McKeown	Swank
Briggs	Garner, Tex.	McMillan	Tarver
Browning	Garrett, Tex.	McReynolds	Tillman
Buchanan	Gasque	Martin, La.	Tucker
Busby	Gilbert	Milligan	Vinson, Ky.
Byrns	Gregory	Moorman	Ware
Carss	Green, Fla.	Oldfield	Warren
Cartwright	Hammer	Oliver, Ala.	Whitehead
Chapman	Hare	Parks	Whittington
Collier	Hill, Ala.	Peery	Williams, Tex.
Collins	Howard, Nebr.	Quin	Wilson, Ia.
Cox	Huddleston	Ragon	Wilson, Miss.
Davis	Hudspeth	Rankin	Woodrum
Deal	Jeffers	Rayburn	Wright
De Rouen	Johnson, Okla.	Reed, Ark.	
Dickinson, Mo.	Johnson, Tex.	Romjue	

ANSWERED "PRESENT"—2

Butler Mansfield

NOT VOTING—112

Aldrich	Doutrich	Irwin	Palmer
Andresen	Doyle	Jacobstein	Perkins
Anthony	England	James	Porter
Bankhead	Englebright	Kearns	Pon
Beck, Pa.	Estep	Kendall	Pratt
Beedy	Fenn	Kent	Quayle
Begg	Fish	Kiess	Rainey
Berger	Fort	Kindred	Rathbone
Bohn	Frear	Knutson	Robinson, Ky.
Boles	Free	Kunz	Rubey
Brand, Ga.	Fulbright	Kurtz	Selvig
Brand, Ohio	Gambrill	Lampert	Shreve
Bulwinkle	Garrett, Tenn.	Langley	Sprout, Ill.
Burdick	Golder	Larsen	Stedman
Campbell	Goldsborough	Leatherwood	Stevenson
Candfield	Graham	McClintic	Strother
Carley	Green, Iowa	McDuffie	Taber
Connally, Tex.	Greenwood	McFadden	Thompson
Connery	Hale	McLaughlin	Underhill
Connolly, Pa.	Harrison	McSwain	Vinson, Ga.
Cooper, Ohio	Haugen	Madden	White, Me.
Crisp	Hersey	Magrady	Williams, Mo.
Crowther	Holaday	Manlove	Wingo
Darrow	Hooper	Michaelson	Wood
Davenport	Hope	Monast	Woodruff
Davey	Hughes	Moore, Ohio	Wyant
Dempsey	Hull, Tenn.	Nelson, Me.	Yates
Dickstein	Igoe	Norton, N. J.	Yon

So the bill was passed.

The following pairs were announced:

Mr. Madden (for) with Mr. Bankhead (against).
Mr. Shreve (for) with Mr. Stedman (against).
Mr. Quayle (for) with Mr. Stevenson (against).
Mr. Doyle (for) with Mr. McSwain (against).
Mr. Yates (for) with Mr. Wingo (against).
Mr. Begg (for) with Mr. Vinson of Georgia (against).
Mr. McFadden (for) with Mr. McDuffie (against).
Mr. Perkins (for) with Mr. Larsen (against).
Mr. Darrow (for) with Mr. Yon (against).
Mr. Fenn (for) with Mr. Crisp (against).
Mr. Manlove (for) with Mr. Bulwinkle (against).
Mr. Fort (for) with Mr. Brand of Georgia (against).

General pairs:

Mr. Butler with Mr. Pon.
Mr. Dempsey with Mr. Mansfield.
Mr. McLaughlin with Mr. Rainey.
Mr. Wood with Mr. Garrett of Tennessee.
Mr. Golder with Mr. Kindred.
Mr. Kiess with Mr. Carley.
Mr. Magrady with Mr. Fulbright.
Mrs. Langley with Mr. Connally of Texas.
Mr. Hersey with Mr. Williams of Missouri.
Mr. Kendall with Mr. Greenwood.
Mr. White of Maine with Mr. Hull of Tennessee.
Mr. Graham with Mr. McClintic.
Mr. Michaelson with Mr. Kunz.
Mr. Frear with Mr. Rubey.
Mr. Fish with Mr. Connery.

Mr. Kurtz with Mr. Davey.
 Mr. Anthony with Mr. Gambrell.
 Mr. Free with Mr. Jacobstein.
 Mr. Robison of Kentucky with Mr. Kent.
 Mr. Rathbone with Mr. Igoe.
 Mr. Crowther with Mr. Harrison.
 Mr. Connolly of Pennsylvania with Mr. Dickstein.
 Mr. Irwin with Mrs. Norton.
 Mr. Taber with Mr. Goldsborough.
 Mr. Beedy with Mr. Berger.
 Mr. Moore of Ohio with Mr. Canfield.

Mr. WILLIAM E. HULL. Mr. Speaker, the gentleman from Illinois [Mr. MADDEN] is not here on account of illness. If he were here, he would vote "yea."

Mr. DYER. Mr. Speaker, I wish to announce that my colleague [Mr. MANLOVE] is unavoidably absent on account of official business. If here he would have voted "aye."

Mr. FISH. Mr. Speaker, I was not present when my name was called, but if I had been here I would have voted "aye."

Mr. CROWTHER. I was not present, but if I had been I would have voted in the affirmative.

Mr. KNUTSON. Mr. Speaker, if I had been present I would have voted "aye." I wish to announce that my colleague [Mr. SELVIG] was taken ill during the day, but if he had been here he would have voted "aye."

Mr. BUTLER. Mr. Speaker, I would like to inquire if the gentleman from North Carolina [Mr. POW] voted?

The SPEAKER. He is not recorded.

Mr. BUTLER. I voted "aye." I will withdraw my vote and answer "present."

The vote was announced as above recorded.

On motion of Mr. REED of New York, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with an amendment the joint resolution (H. J. Res. 217) entitled "Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries," in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the joint resolution (H. J. Res. 253) entitled "Joint resolution authorizing certain customs officials to administer oaths."

REMISSION OF DUTIES ON CATTLE

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 217, providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, and agree to the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

LEAVE TO ADDRESS THE HOUSE

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's tables and special orders, my colleague, Mr. McREYNOLDS, may be permitted to address the House for 20 minutes on bill 10167, relating to the immigration conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that to-morrow, after the reading of the Journal, disposition of business on the Speaker's table, and special orders, his colleague, Mr. McREYNOLDS, may address the House for 20 minutes. Is there objection?

There was no objection.

IMMIGRATION QUOTAS

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SINCLAIR. Mr. Speaker, on the subject of immigration quotas on the basis of the national origins law that has been enacted by the Congress there are many serious objections that I wish to set out. At the time the law was passed no one knew how it would work nor how it would affect the stream of immigration to this country. Certain undesirables were coming to the United States. It was thought that this law would stop them. It was adopted hastily as a compromise in a difficult legislative situation.

The policy of restricted immigration which we established in the act of 1920 was a new one for the Nation. It met with much opposition because of the many nationalities represented in our citizenship. It was based on the 1920 census, and per-

mitted each nation to send to this country annually 3 per cent as many immigrants as there were people of that nationality living here as disclosed by that census.

Before the passage of the 1920 act the United States was the haven for the oppressed of all nations of the world. This was the first quota law ever passed by Congress, but the countries of the Western Hemisphere were exempted from its provisions. The law did not work out when applied as its proponents hoped that it would. It admitted too few people from northern and western Europe and more from southern and eastern Europe than seemed desirable. As a result there have been strong protests against it from our great Northwest.

The upper Mississippi Valley States were settled, for the most part, during the two decades following the War between the States. Immigration from northern Europe was heavy during that period. The rich agricultural lands offered by the Government as free homesteads appealed especially to the Scandinavian and German peoples. In some States over half the pioneer population was made up of these very desirable farmers. The need for this class of settler is just as keenly felt in some farming sections to-day. Not only would more liberal immigration quotas from the northern countries of Europe make farm help more plentiful and reduce the cost of production, but they would go a long way in solving the trend toward increased farm tenancy.

Because of the unsatisfactory operation of the first quota law, both the friends and opponents of restricted immigration were anxious for some change. In 1924 a new quota bill was passed in the House. It cut the percentage to 2 per cent and was based on the 1890 census. This would have given the Nation the same strain-of-blood immigrants that it received during the period of our greatest growth and expansion. Under its provisions northern Europe would have been more favored. However, while the bill was under consideration in the other body of the Congress the "national origins" provision was proposed. No definite basis for its application was ever fully explained. The bill came back to the House from the Senate with this amendment and was hastily concurred in. I was one of the few Members who believed that the bill with this amendment included could not help but work injustice upon the Scandinavian and German peoples, and that this provision had not received the careful consideration it should have had before adoption. I therefore voted against the measure.

The quotas of 2 per cent, based on the 1890 census, have never been put into effect. They were suspended, and the Secretaries of State, Commerce, and Labor were directed to work out new quotas based on the "national origins" and to submit a report to Congress. Manifestly it would be impossible for officials to ascertain in a limited time the national origins in a nation like ours. We have nearly 120,000,000 people, representing almost every country on the face of the earth. They have intermarried to such an extent that as many as half a dozen nationalities may be represented in the grandchildren of one family. This mingling of races is the melting pot of democracy, and is distinctive of America. It makes for a virile and vigorous citizenship. Regardless of national origin, all are Americanized, and adopt the habits, customs, language, education, and life of this country. The result is that the parent land of origin is soon lost and wholly untraceable.

The Secretaries, therefore, soon encountered difficulties when they attempted a determination of the national origins of our population upon which to base the quotas under the law. The task was seemingly a hopeless one, and more time was needed. Finally it was discovered in a study of the problem that the first census of the United States was of a different character than that taken in later years. It was simply a list of the names of all residents. These were the original 100 per cent Americans, if we except the Indian population. Of course they were preponderantly English, and if taken as a basis from which to start, an unfair advantage would be given the quota from Great Britain. In addition, since the tendency is to Anglicize every name, many descendants of other races soon became identified as of English origin. Thus it will be seen that the English quota profited at the expense of the Scandinavian, German, and other nationalities.

The practical effect of this system of determining the immigration quotas on the basis of national origin, as worked out by the experts, is that Great Britain and Northern Ireland nearly double their quotas, while Germany and the Irish Free State lose nearly half; Norway and Sweden lose nearly two-thirds, Denmark over one-half, and Switzerland about one-third. All of these nationals, from every standpoint of American citizenship, are highly desirable immigrants. There should be no discrimination against any of them in favor of others. Particularly should no such unjust discrimination be made

against those aliens who naturally gravitate to the farms upon arrival in America, in favor of those who remain in the big cities.

The records bear out the statement that the greater percentage of German and Scandinavian immigrants turn to farming, while those of Irish and English origin find homes in the urban centers. The effect of this is to work a hardship on the already depressed industry of agriculture. Moreover, the people of northern Europe have been led to believe by their relatives in this country that they would soon have an opportunity to come here under the provisions of the first restriction law. To cut their quotas now would be unfair and disappointing. Under the new plan, the applications of many of these prospective immigrants may never be reached.

Vigorous opposition to the law has been aroused. Members of Congress are being petitioned, and rightly, for its repeal. In my judgment, the "national origins" method is wholly unworkable and should never be enforced. It is inequitable and unjust to a large proportion of our best citizens.

Since the World War the question of immigration has been a troublesome one for nearly all countries. The war-torn nations of Europe are overcrowded and deeply in debt. Their people are seeking to get away from the burdensome taxes, and to go where the struggle for existence is less intense. The more favored Western Hemisphere is the mecca of all. There was a time when every immigrant was regarded as an asset, yet nowadays he is welcome almost nowhere. Many of our naturalized citizens are at a loss to understand this changed attitude, as are their relatives still in the old countries waiting to join them here. There is criticism and resentment in many sections. The question is one of growing concern. Those who have given it close study realize that it is one of the most portentous problems Congress has to solve. In arriving at a solution it is highly important that the deplorable condition of agriculture be given due consideration to the end that no program be adopted which will discriminate against the Scandinavian and German peoples, who form a most valuable part of our farming population. In my State a majority of our pioneer farmers and their descendants are of German or Scandinavian origin. In their behalf, I earnestly urge the repeal of this discriminatory law.

The table below will show the immigration quotas from the different countries under the proposed national origins, and the present plan based on the 1890 foreign-born population:

Country or area	National origin quotas submitted Feb. 27, 1928	Present quotas based on 1890 foreign-born population
Armenia.....	100	124
Australia, including Papua, etc.....	100	121
Austria.....	1,639	785
Belgium.....	1,328	612
Czechoslovakia.....	2,726	3,073
Danzig, Free City of.....	137	228
Denmark.....	1,234	2,789
Estonia.....	100	124
Finland.....	568	471
France.....	3,308	3,954
Germany.....	24,908	51,227
Great Britain, Northern Ireland.....	65,894	34,007
Greece.....	312	100
Hungary.....	1,181	473
Irish Free State.....	17,427	28,567
Italy, including Rhodes, etc.....	5,989	3,845
Latvia.....	243	142
Lithuania.....	492	344
Netherlands.....	3,083	1,648
Norway.....	2,403	6,453
Poland.....	6,090	5,982
Portugal.....	457	503
Rumania.....	311	603
Russia, European and Asiatic.....	3,540	2,248
Spain.....	305	131
Sweden.....	3,399	9,561
Switzerland.....	1,614	2,081
Syria and the Lebanon (French).....	125	100
Turkey.....	233	100
Yugoslavia.....	739	671
Total.....	153,685	164,647

TOLL BRIDGE ON PUBLIC ROADS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement in relation to the building of toll bridges on public roads.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Speaker, for the last decade State highway departments have been taking over toll roads and abolishing their objectionable traffic-retarding gates as rapidly as possible, but private interests have been busy acquiring exclusive rights to construct bridges at commanding locations on the public highways and setting up new gates. Many of these bring the owners a rate of return on the capital invested far in excess of the most profitable toll roads.

A survey just completed by the Bureau of Public Roads, so I am advised, shows that there were 233 toll bridges in operation in the United States at the beginning of this year. Eighty-six of these were built within the last 10 years. This means that the number of such bridges now operated has increased nearly 60 per cent in the 10-year period.

There are at present 29 new toll bridges under construction and 163 proposed for construction. Included in the number proposed for construction are all projected bridges regarding which some definite step has been taken, such as the filing of an application for franchise or the organization of a company to finance the construction. If the proposed bridges are completed and those now under construction put into operation and those already in operation are continued, then the number of toll bridges in the United States will be nearly doubled in a few years.

Of the 233 bridges now in operation, 191 are privately owned and 20 of the 29 under construction are being built by private concerns. The remaining number in each case are publicly owned and operated, and in most of these cases they are being operated with the intention of lifting the toll as soon as the bridges are paid for.

In order to demonstrate the return on the investment in several privately owned bridges as revealed by reports of the owners, I am giving below some facts and figures as cited in the reports. One of these is the bridge over the Potomac River at Williamsport, Md., which was built at a cost of \$87,000 in 1907. The public is still paying toll for the use of the bridge, notwithstanding the fact that it has long since paid for its construction. In 1926 alone the net operating income, after deducting all costs, taxes, and so forth, from the tolls received, was over \$41,000, or almost 50 per cent of the original cost, and a dividend of \$32,000 was declared, which was 32 per cent on the \$100,000 of common stock. The Gandy Bridge over Tampa Bay, between Tampa and St. Petersburg, Fla., yielded in 1926 a total net income, after deduction of all expenses including depreciation, of nearly \$211,000 on an investment in tangible property of \$2,158,000. This instance, perhaps, is more nearly typical of the majority. In the case of the Pollock Bridge over the Platte River at Plattsmouth, Neb., the capital invested yielded a gross income of more than 150 per cent annually from 1923 to 1925.

The majority of the toll bridges in the country are on roads which are part of the Federal-aid highway system; the reason for this being that this system of 186,000 miles includes the most important State and interstate roads which are, therefore, the most heavily traveled roads in the country. Of the 425 toll bridges in operation, under construction, or proposed at the beginning of the year, 217, which is more than half the entire number, were on the Federal-aid system. Sixty of these were on roads included in State highway systems but not in the Federal-aid system, and 148 were on other roads.

The State highway officials and the officials of the Bureau of Public Roads oppose the further construction of toll bridges to be operated by private interests. They insist, and rightly so, that the public should not be compelled to pay profits to private bridge operators long after the cost of construction of the bridges has been paid for by the public in tolls. These same State and Government officials oppose the collection of tolls on public bridges after the cost of financing their construction has been met.

The fact that there are cases in which the financing of the cost of expensive bridges by means of tolls is the only practicable means is recognized by the highway officials, but at the same time they insist that the bridges should be built and operated publicly and that the toll should be collected only so long as may be necessary to pay the costs of construction. To encourage the adoption of this method, the Oldfield bill, which was passed at the last session of Congress, permits the payment of one-half the cost of important bridges on the Federal-aid system by the Federal Government and the financing of the other half of the cost by the State through State-collected tolls.

A very large amount of money now being made by private operators as profit on investments can be saved to the traveling public by either taking advantage of the Federal assistance thus offered or by the construction and operation of necessary toll bridges by the States.

The public can borrow money on terms at least as favorable as those available to private builders, and usually on better terms. Public agencies can erect and operate the bridges as efficiently and economically as the private owners and by abolishing the tolls after the bridges are paid for, the traveling public will be saved the payment of handsome profits thus discouraging the increasing private interest in toll-bridge construction.

There is an active market for revenue bonds which are secured and retired with no other funds than the revenues derived from the tolls collected, and by resorting to this method of financing costly bridges can be built by the public without increasing taxes, and can be paid for by those who use them without paying several times their cost in profits, therefore, it is no longer necessary to entail an increase of property taxation to provide a sinking fund and interest by borrowing money for bridge construction. If the bridges are built by public agencies there is also the assurance of open competition and the awarding of the contract to the lowest responsible bidder, thereby obtaining the minimum cost of construction, which will be a saving to the public.

The fact that 63 of the 163 new bridges proposed at the beginning of the year will be publicly owned and operated indicates a growing belief that these bridges should be operated by the public. This is a larger proportion by far than is found among the bridges now in operation and under construction. There is still a very active private interest, however, for 33 bills authorizing the construction of a particular private toll bridge have been passed by the House since Congress convened in December, or the first of this session of Congress.

An investigation by the State Highway Commission of the State of Washington revealed that the cost of collecting the tolls amounts to from 15 to 27 per cent of the tolls collected. The report of this investigation, which was authorized by the Washington Legislature, shows further that the cost of service on all toll bridges on the highway system of the State is from 63 to 185 per cent higher than similar service would cost if the bridges were free; therefore it would appear that whenever it is at all possible, necessary bridges should be financed without toll collection.

FIFTH ANNUAL SHENANDOAH APPLE BLOSSOM FESTIVAL

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that my colleague Mr. HARRISON may be given permission to extend his remarks in the RECORD on the fifth annual Shenandoah apple blossom festival.

The SPEAKER. The gentleman from Virginia asks unanimous consent that his colleague Mr. HARRISON may extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Speaker, I take advantage of the authority granted me to extend my remarks to call attention to the fifth annual Shenandoah Apple Blossom Festival, to be held at Winchester, Va., during the coming May. In the name of the people of the Shenandoah Valley of Virginia, I desire to extend to the Members of Congress and to the public a hearty invitation to visit this most beautiful of all valleys when its glory is enhanced by the bloom of millions of apple trees. The apple orchards have developed into a tremendous industry, and we claim that no better apples are grown than in this valley; and we are anxious for visitors to see this favored section at a time when its possibilities can be best appreciated. For miles, in apple-blossom season, the tourist may travel through territory redolent with the aroma and glorified with the beauty of the blossoms.

Highly improved roads pass through this section from every center of population. Seven splendid highways come into Winchester like spokes into a hub. In addition, the railroad facilities are excellent. Living in a section famous for its scenic beauty, the people are the most generous and hospitable in the world. Perhaps in no other section of the United States are there as many localities of great historic interest. The section is rich in colonial and Revolutionary lore. Here are the scenes of great Civil War battles: New Market, where the cadets of the Virginia Military Institute won undying fame and glory on the field of battle; Kernstown, where Jackson met his one repulse; Cedar Creek, where Sheridan ended his historic ride; and at Winchester still stands Fort Loudoun, built by George Washington in 1756, when the valley was the western frontier of English civilization.

Here are some of the greatest of natural phenomena which attract tourists from all over the civilized world: The Shenandoah Caverns, Endless Caverns, Luray Caverns, the Grottoes, and Natural Bridge are visited yearly by hundreds of thousands of visitors. In this vicinity are located the greatest educational

institutions of the South: The University of Virginia, founded by Jefferson; Washington and Lee, of which Robert E. Lee was at one time the president; and the Virginia Military Institute. Within 20 miles of Winchester begins the proposed Shenandoah National Park, which in the next year or so will be a reality and which will be the Nation's playground.

Last May at the fourth annual festival, which in its main features was a duplication of previous ones, a hundred thousand visitors flocked to Winchester. On the first day 6,000 children marched through the streets of Winchester keeping step to the beat of drums and to the time of the music of the various bands in the line of march. In the afternoon the lovely Mrs. Isabelle Gilpin, daughter of the distinguished Senator Tyson, of Tennessee, was crowned queen of the festival by Hanford McNider, Assistant Secretary of War. At the coronation her court included 60 princesses and 200 flower girls. On the second day of the festival a parade 5 miles long was staged, which required an hour and a half to pass the spectator. It included 155 floats and 29 bands, among which appeared Captain Benner and his famous Navy Band. For the coming festival preparations are being made to surpass those of the past in splendor and brilliance. In the pageant there will be symbolic representations of the wonderful historic past of the Shenandoah Valley, its equally wonderful present developments, and its glorious possibilities of the future. The queen will again be attended by a bevy of beautiful princesses and the parades are expected to be more spectacular than in the past; Captain Benner will again be present with his band, while Commander Richard E. Byrd, world-famed explorer, will in all probability be in Winchester, his home town, on this occasion.

An artistic program has been prepared and will be mailed to anyone who will write for a copy to Mr. Ray Robinson, Winchester, Va.

I repeat a pressing invitation to take advantage of this occasion to see the Shenandoah Valley when by nature she is robed in her choicest apparel and stands arrayed in unparalleled loveliness. Historical old Virginia will throw wide her gateway, open her arms, and extend to each and all who honor her with their presence a most cordial welcome.

FLORIDA'S CONGRESSIONAL REPRESENTATION

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article prepared by Dr. R. M. Harper, of Florida, on congressional representation.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

TALLAHASSEE, FLA., March 23, 1928—Florida should have seven Congressmen after the next census instead of its present membership of four if the present ratio of congressional apportionment is maintained, Dr. R. M. Harper, statistician and geographer, believes.

Doctor Harper's estimate is based upon calculations of his own, given in the past as to Florida's growth in population and reiteration of his prediction of a year ago that the State should have about 1,750,000 inhabitants at the census of 1930, barring unforeseen complications.

The congressional apportionment, however, which at present is based upon about one Congressman to every 250,000 inhabitants, is usually raised each time to keep the lower division of the National Assembly from becoming too large, the statistician pointed out; but even if it is raised to 300,000, he reasoned, Florida should be entitled to six Congressmen instead of five, which seems to be the plan now.

In view of the speculation indulged in of late as to how many Congressmen Florida would be entitled to after the United States census of 1930, Doctor Harper has briefly reviewed analyses and estimates of the standing and potential population of the State, which revealed an unprecedented growth. Recent estimates of the State's probable population at that time have generally been based on the assumption that the increase would continue at the same rate as that between 1920 and 1925.

Nevertheless, says the statistician, the greatest increase of population in 1925 took place after the State census, which was taken in the spring, and 1926 was a year of great activity also. Doctor Harper in a statement given out through the Associated Press early in February, 1927, estimated from a study of marriage figures, school enrollment, gasoline consumption, etc., that the State's population increased about 20 per cent in the year 1925, and nearly half as much in 1926, making a total of about 1,600,000 at the beginning of 1927. His estimate for the middle of 1926, used in calculating the marriage rate for that year, in another Associated Press story in December, 1927, gave results which he believed absolutely consistent with those of previous years.

Not enough 1927 figures are available as yet to make an estimate of the population for the past year, the statistician declared, but he added that he sees no reason for changing his estimate of a year ago that Florida should have about 1,750,000 inhabitants at the census of 1930, barring unforeseen complications.

MISSISSIPPI FLOOD

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a portion of the report of the Committee on Flood Control relating to the Mississippi problem which will be before the House in a short time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. REID of Illinois. Mr. Speaker, a few observations are advisable before one can understand the issues presented in the consideration of the flood-control problem of the Mississippi River.

We are confronted with a condition, not a theory, and every hour's delay may add another chapter to the awful story of misery and death. The results of the flood of 1927 are listed hereafter; even if the horrors of that disastrous flood are not still fresh in the reader's mind. Under the present law the United States says to the threatened ones, "No pay, no protection." To stave off famine and probably the horrible fate of drowning, the people of the lower Mississippi Valley appeal to us. What shall our answer be? Let those loyal to the dollar stand aside while those loyal to humanity come to the front. No cold, discriminating policy of economy will decide this issue, and any party advocating such a move had better look to its laurels.

Some say that it is not the affair of the United States Government to do this work. But who can stand idly by and see that land devastated and depopulated, business interests destroyed, commercial intercourse cut off, and people starved and degraded?

It may be the naked legal right of the United States Government to stand thus idly by, but if it does it is not worth the name. And those who do so say do not represent American sentiment; they do not represent American patriotism.

This Congress is being appealed to; the South, the whole United States, and the whole world will judge our actions. Shall we stamp ourselves as petty and provincial, or shall we be recorded as magnanimous and national?

Is our civilization so little removed from barbarism that it will permit hundreds to be drowned and thousands to be made homeless and destitute while, like Shylock, it demands its pound of flesh from those who can not pay? That they can not pay is not on account of their own indolence or neglect but because the progress of industry in other States pours down upon them oceans of destructive flood waters in order that those States may continue to progress and prosper.

As early as 1850 Congress was warned that the process by which the country above is relieved is also that by which the country below is ruined; yet we permit the destructive waters to ravage our towns and destroy the lives of our people. The river is as cold and heartless as an enemy in war. Yet we do not defend against it.

The Mississippi River has worked the deadliest wrong to this country—its gifts to the South are discontent, impoverishment, and degradation.

The farmer and his family must live in semistarvation, in wretched hovels, amid squalor and privations, barbed by the thought that any little money earned by labor and sweat from day to day will have to go to the Federal Government to pay for levees.

After the flood had subsided these people had no homes to which to return; their fields have grown up to weeds, they have no mules, no implements of husbandry with which to begin anew the cultivation of the soil, they have no seed, they have nothing; yet they are asked to pay a special tax to be permitted to earn a living and to be saved from drowning.

The conscience of the whole country has been aroused by the frightful destruction in the lower valley. Nothing less than an adequate, comprehensive plan of 100 per cent flood control without local contribution will satisfy the people of this Nation.

If anyone asks why the Federal Government should be urged to take hold of this problem on a national scale and assume full responsibility for the time, labor, and great cost involved in obtaining complete control of the Mississippi River, surely it is sufficient to remind him that the drainage basin of this great river covers 41 per cent of the total area of the United States. Besides the great investment in the levees, the need of the Mis-

issippi as a carrier of United States and foreign commerce, the havoc wrought to interstate commerce and the interference with the United States mails when uncontrolled, the increase to the National Treasury when industry is not stopped, the safety of life and property and the promotion of its general welfare—these formulate an adequate answer to his questioning attitude. To these might be added one thing that would be worth all the cost—national defense. No foreign foe can ever conquer us as long as navigation is kept open on the Mississippi.

There can be no flood control by local option. Let our duty be met squarely. We have evaded our responsibility long enough.

THE PROBLEM IS HOW TO CONTROL A RAGING TORRENT OF 60,000,000 HORSEPOWER

President Coolidge, in his message to the Seventieth Congress, said of the 1927 flood:

It is necessary to look upon this emergency as a national disaster. It has been so treated from its inception. Our whole people have provided with great generosity for its relief.

The governments of the afflicted areas, both State and municipal, can not be given too high praise for the courageous and helpful way in which they have come to the rescue of the people. If the sources directly chargeable can not meet the demand, the National Government should not fail to provide generous relief.

The people in the flooded area and their representatives have approached this problem in the most generous and broad-minded way. They should be met with a like spirit on the part of the National Government. This is all one country. The public needs of each part must be provided for by the public at large. No required relief should be refused. An adequate plan should be adopted to prevent a recurrence of this disaster in order that the people may restore to productivity and comfort their fields and their towns. * * *

Flood control is a national problem.

President Coolidge, in his message to Congress transmitting the Jadwin report, said:

In my message to the two Houses of Congress at the beginning of the first session of the Seventieth Congress the flood-control problem of the lower Mississippi and the urgent necessity for its solution were outlined.

Hon. Dwight F. Davis, Secretary of War, in his letter accompanying the Jadwin report, said:

A proper regard for the lives and interests of our fellow citizens in the valley requires that legislation be enacted to prevent the repetition of such a disaster not only from the standpoint of loss of life and damages already caused, but also to reduce the chance of an even greater disaster and unparalleled loss of life in the event of the failure of present structures near more thickly populated centers.

Maj. Gen. Edgar Jadwin, Chief of Engineers of the Army, in his report to Congress on the control of the flood waters of the Mississippi River, said:

The cost of the project is unquestionably justified. It will prevent a repetition of the widespread disaster, human suffering, dislocation of the economic life of the valley, interruption of interstate commerce, and the effect on the general welfare of the Nation that attended the recent flood. The expenditure would be justified even though such a flood occurs but once in 150 years. It will prevent the less-extensive flood disasters that are likely to occur at much more frequent intervals. The protection afforded to the cities back of the levees in the valley against a flood even greatly exceeding that just past is especially justifiable from a humanitarian standpoint, since an unexpected break in the levees at these places would probably result in serious loss of life and might be an unparalleled catastrophe. * * *

In view of the national aspect of the flood-control problem from the standpoint both of the cause and of the effects of the floods, and in view of the large sums spent in the past by the people of the valley for flood protection, the sacrifices they have made in meeting their allotments, the great losses suffered in the past flood, and the larger expenditures now required, it is believed that the United States should bear a larger proportion of the cost of construction than in the past, and that the States or local interests be as small as consistent with the results desired. * * *

While \$37,440,000 is small in comparison with the amount to be spent by the United States and with the amounts already spent by the people of the valley, it must be remembered that these people still owe considerable sums on their bonds on which the money spent was raised. Some of the levee districts are also near the limit of their bonding power under present State law and also near the limit of their credit. However, it is not equally clear that this expenditure, spread over a 10-year period among four or more States, would constitute an unreasonable burden on the States themselves, in view of the increased taxable values which will result from the improvement. * * *

Its worst characteristic is that its floods inflict at times great damage upon the people and property, in the alluvial valley of the

lower river. They take their toll in life and in damage to property, affecting the inhabitants of the valley and investors, manufacturers, and consumers throughout the country. They interfere with the food supply and the general welfare of the country, with its Postal Service and transcontinental and other interstate commerce. * * *

While the great floods of the Mississippi have overflowed thousands of acres of land, destroyed crops by long inundation, and driven the inhabitants temporarily from their homes, there has never as yet been such a catastrophe as would result from the breaking of a levee on the front of the densely settled areas in the cities and the larger towns of the lowlands. This fortunate result is due to the care that is given to the construction and upkeep of levees on city frontages, possible by reason of their greater resources in money and labor. Failures in the long lines of levee that have not these resources have always relieved the situation at important centers of population. * * *

61. The catastrophe resulting from a crevasse on a city front would be so appalling that no measure should be spared to prevent it. * * *

* * * Since the protection and preservation of the flood-discharge capacity of the alluvial valley of the Mississippi River is requisite to the common welfare of the Nation and to the preservation of the many lines of interstate commerce which cross the valley, it should be protected and preserved by similar legislation. The warning can not be too strongly emphasized that unless the flood-discharge capacity provided in the plan herein recommended is preserved, a future great flood will result in a disaster as great as or greater than that experienced this year.

The Mississippi River Commission, in its special report on the control of the flood waters of the Mississippi River, said:

The commission is firmly of the opinion that some degree of local financial cooperation is essential to a successful accomplishment of a flood-control project. This opinion is based not on a belief that local interests should share in the cost by reason of their being beneficiaries. * * *

The commission is aware that its operations in the past have been at times hampered through the failure of some levee districts to furnish assurance of their share of the funds needed for levee work, this adversely affecting the prosecution of the work. * * *

The commission is not in possession of the data on which to base a complete economic study of the flood-control project. It has, however, enough data to warrant it in saying that, considering the investment already made in levees, the cost of doing the work above outlined is fully justified from an economic standpoint.

The investment of Federal and other funds already made in levees has been returned in the increase in value of the lands. Without the protection, large areas would have been useless except for the growing timber. Prosperous communities now exist throughout the alluvial valley; all owe their existence to the protection furnished by the levee system. Large investments in roads and railroads have been made possible. The development of the alluvial valley as a whole has added, and will continue to add, much to the wealth of the Nation, and the work of flood control carried on heretofore must be credited with all such gain in national wealth. Greater protection will hold that gain and add to it.

Dr. H. C. Frankenfield, meteorologist, chief of the river and flood division of the United States Weather Bureau, says:

It is easily * * * conceivable that a somewhat smaller amount of precipitation [than occurred in 1927], properly distributed as to place and time, could cause as great a flood as that of 1927. In other words, a series of heavy rains over the central and southern portions of the basin—say five or six rains of 2 or 3 inches or so, separated by intervals of from three to five days—would certainly cause a great flood in the lower Mississippi River if the soil had not been abnormally dry for a long time previous.

Attention is called to the fact that, if the Ohio, the upper Mississippi, and the Missouri Rivers had been in flood stage in the spring of 1927, the flood would have been much greater, and levees from 10 to 20 feet higher would have been required to hold the water.

EFFECT OF 1927 FLOOD

The Mississippi River flood of 1927 was disastrous. In effect it—

1. Killed more than 246;
2. Destroyed hundreds of cities, towns, and villages;
3. Drove 700,000 people from their homes, and rendered them objects of charity, dependent upon the Red Cross and other agencies;
4. Inundated 18,000 square miles;
5. Killed 1,500,000 farm animals;
6. Caused losses amounting to many hundreds of millions of dollars;
7. Suspended interstate freight and passenger traffic;

8. Prevented telegraph and telephone communication;
9. Delayed the United States mails; and
10. Paralyzed industry and commerce.

SUBJECTS INVOLVED IN PROBLEM

The consideration of the flood-control problem involves several general subjects as follows:

1. The necessity for legislation;
2. The necessary flood-control works;
3. The agency in charge of the work; and
4. The provision for its payment.

NECESSITY FOR NEW LEGISLATION

The disastrous flood of 1927 demonstrated to the Nation and to Congress that the provisions of existing law with reference to controlling these destructive flood waters were wholly inadequate. The evidence before the committee has conclusively shown that the primary reason for the failure of the flood-control system was the result of the provisions of the act of March 1, 1917, which authorized the "levees only" system and which required local contribution to the cost of the flood-control works before their construction by the United States.

The necessity for the legislation recommended in the present bill is, therefore, apparent.

OBJECT OF FLOOD-CONTROL PLAN

The evidence before the committee was to the effect that a comprehensive flood-control plan should have as its objects:

First. To lower flood heights in the Mississippi River by construction of diversion channels or flood ways.

Second. To provide additional protection for the city of New Orleans.

Third. To give additional protection for Cairo, Ill.

Fourth. To protect the entire valley by raising and strengthening the entire present levee system.

Fifth. To conduct the destructive flood waters safely from Cape Girardeau, Mo., to the Gulf of Mexico, through the flood-control works.

The evidence further shows that, to be successful, the plan must be a unified one embracing the whole system; the works must be constructed simultaneously from Cape Girardeau to the Head of Passes by one authority; the funds should be provided by the same authority; and local contribution carries with it a certain amount of local determination as to the necessity for location, size, etc., of the flood-control works, fatal to the success of the project.

POINTS PROVED BY EVIDENCE BEFORE COMMITTEE

To prepare a bill that would provide against a repetition of a disaster like that of 1927 was the task of the committee.

The evidence presented to the committee, consisting of official Government reports and documents, reports by State and local officials, and testimony by witnesses, proved the following conclusions:

First. That the flood-control works heretofore constructed were neither adequate nor of the right kind.

Second. That they were not of the right kind was the fault of the "levees only" policy of the Mississippi River Commission.

Third. That they were inadequate because of the local contribution policy contained in the acts of Congress relating to flood control, and

Fourth. That a comprehensive flood-control system to be effective must include not only levees, but spillways, diversion channels, flood ways, storage basins, and reservoirs.

WHY FLOOD CONTROL HAS FAILED

Flood control has been unsuccessful heretofore for the following reasons:

1. There never was a determination, either by the United States or the individual States, that the destructive flood waters of the Mississippi River should be controlled.

2. There never was a plan for a unified system.

3. What was attempted was done in a piecemeal manner.

4. There never were sufficient funds to do the work in such a manner as to preserve and protect prior work.

5. The "levees only" policy, which caused a patchwork system of levees, and was a continuous defense against the flood waters.

6. The method of payment for the work, partially by the Government and partially by local interests was inadequate. When the local interests had money, the Government had none; and when the Government had money, the local interests had none.

The committee in dealing with this legislation kept in mind the fact that this flood of 1927 was no ordinary misfortune, but, as Secretary Hoover has said, "Our greatest peace-time disaster." President Coolidge himself has stated that "its recurrence must be forever prevented." If ever the American

Congress had received a unanimous demand from the American people upon a single subject, it is this. The committee had before it the definite commitment not only from thousands of citizens of this country but the overwhelming expression of the leading business, civic, fraternal, and industrial organizations of America, which in the final analysis pay the bill. To recommend any policy which would not effectively accomplish the control of the destructive flood waters of the Mississippi River would be to betray the American people.

The phrase "local contributions" is intended to mean local payment toward the cost of the construction of flood-control works.

The committee found it the controversial point of the whole discussion, so it investigated thoroughly every phase of the subject, and was forced finally to the conclusion that it was not practical and that its incorporation in the proposed legislation would result in its nullification, thus leaving Congress no further advanced in the solution of the problem though after more than 40 years spent in the effort and an expenditure of nearly a half billion dollars.

The following question was asked of witnesses time after time for months at the committee hearings:

Question. Have you any practical plan to offer to the committee, or have you ever heard of one, to collect money from local interests or State?

Everyone who has studied the subject at all has abandoned the claim that flood control will bring a direct, tangible benefit to the adjacent property owners and have gone from the levee districts as a basis to the State or several States as the source for payment for the flood-control works. Though often requested, no one has offered to present or sponsor a plan of local contribution that would be workable.

FACTS NECESSARY TO UNDERSTAND THE ISSUES—TWO SIDES OF QUESTION PRESENTED

In order to understand the flood-control problem of the lower Mississippi River it is necessary to know the different schools of thought that have developed in the long years it has been under consideration, and which in turn involves its history and a knowledge of the legislation and upon what that legislation was based.

There are two schools of thought. One we will call the nationalists, who believe that it is and always has been the Government's obligation to control the destructive flood waters of the lower Mississippi, not only on account of its terms of acquisition and its national use, but also on account of the development of the United States in the great West and Northwest and progress in the East, deluging intermittently the lower Mississippi Valley.

The other school we will call the local contributionists, who believe that levee building is a private matter and that the Government's interest is one of navigation only, and that its participation and payment should be so limited.

Originally levee building was a local and private matter, not only as to districts, but as to individual landowners themselves, who only protected their own properties.

With the increased floods caused by artificial drainage, as first above referred to, the task of protecting private property became too great for the individual to cope with singly; so he and his neighbors organized levee districts. Faster came the floods than levees could be built; even levee districts were impotent and crevasse after crevasse overflowed adjacent lands. This summarized the private standpoint.

All this time in another jurisdiction a more important problem to the Nation was being wrestled with, however, not with individuals or localities as the factors, but the great engineering talent of the United States Army, backed by the entire resources of the Nation endeavoring to make and keep the Mississippi River a navigable stream, so that the Nation might prosper.

After spending years of study and great amounts of money, the United States engineers finally determined that the only hope for the navigable channel for the Mississippi River lay in the use of levees to keep the river water under control at all times.

In conformity with this engineering opinion Congress passed laws embodying the recommendations regarding the use of levees as an aid to navigation, and finally in 1879 it created the Mississippi River Commission, which was charged with the duty, among other things, of giving ease and safety to navigation of the Mississippi River and preventing destructive floods, promoting and facilitating commerce, trade, and the Postal Service.

The appropriations made by Congress until 1890 specifically prohibited the expenditure of any part of the money "for the

repair or construction of levees, for the purpose of preventing injury to lands by overflow, or for any other purpose whatever, except as a means of deepening or improving the channel of said river."

From 1892 to 1917 the Congress provided that the expenditure should be—

for the general improvement of the river, for the building of levees * * * in such manner, as in their opinion, shall best improve navigation and promote the interests of commerce at all stages of the river.

In 1916 the Flood Control Committee of the House was created, and in 1917 Congress passed an act providing "for controlling the floods of the Mississippi River and continuing its improvements," and provided as to expenditures upon levees—

(b) That no money appropriated * * * shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable, but which shall be less than one-half of such sum as may have been allotted by the commission for such work; and provided that such contribution shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district, except with the approval of the authorities of the State or district so contributing. * * *

(d) No money appropriated under authority of this act shall be expended in the payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States, provided that no money paid or expense incurred by any State or levee district in securing such rights of way or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.

Various acts of Congress amended the flood control act so as to extend its jurisdiction from Rock Island to the Head of Passes and on the tributaries as far as the flood waters of the Mississippi River affected the tributaries, and in the act of 1923 also authorized an appropriation of \$10,000,000 per year for six years for flood-control work, of which the amounts for 1928 and 1929 are yet to be expended.

The entrance of the Government into the levee building resulted in greater flood heights caused by adding to the ever-increasing floods on account of northern drainage the retention in the main channel of the river, all flood waters below Cape Girardeau.

Local interests prompted by the action of the United States regarding the building of levees organized themselves into levee districts under State laws, which permitted the levying of a tax on property within the districts, and with funds obtained through bond issues attempted to keep pace with the ever-increasing flood heights by contributing to the United States funds expended by the Government in building higher levees.

How these levees failed and brought great loss of life and property to the lower valley is now a matter of history.

FLOODS OF THE MISSISSIPPI RIVER PRIOR TO 1827

Mentioning the higher high waters of the past, notable floods occurred in the years stated below:

In 1828 the valley, in general, was overflowed with the exception of the portion bordering on the Mississippi below the head of the Atchafalaya Basin. The mean depth of overflow on the Arkansas-Louisiana line in the Tensas Basin was 7.1 feet. Between Vidalia and Harrisonburg it was 7.7 feet. The computed maximum discharge of 1828 in the Mississippi River near Plaquemine, La., was 1,110,000 cubic feet per second (deduced by Humphreys and Abbot from their Carrollton discharge curves of 1851-52), and the estimated discharge into the Atchafalaya Basin was 414,000 cubic feet per second, making an estimated total of 1,524,000 cubic feet per second passing the latitude of Red River Landing.

The third rise in 1844 resulted from a combined flood of the Missouri and upper Mississippi in June. The St. Francis and Yazoo Basins were flooded, being almost without levees. The Tensas Basin was flooded by breaks in the levees. Red River was at a low stage, and the region below the mouth of Red River escaped with very little damage.

In 1849 there were two distinct flood waves at Memphis, cresting February 8-16 and March 28 at 30.86 and 30.66 feet,

respectively, above the present gauge zero. The first crest was 2.3 feet lower at Memphis than that of 1844, but was 0.7 foot higher than 1844 at Carrollton, due to the fact that there were coincident floods in the lower tributaries. The St. Francis, Yazoo, and Tensas Basins were overflowed; and below Red River, due to numerous crevasses, the flood was considered the most destructive ever known. New Orleans was inundated by a crevasse about 17 miles above the city.

In 1850 the St. Francis and Yazoo Basins were deeply flooded. The depth of overflow in the Tensas and Atchafalaya Basins was greater than during any flood since 1828. Floods on the Arkansas, Red, and Black Rivers aggravated conditions on the lower river. Crevasses were discharging into the Atchafalaya Basin for more than four months. The Bonnet Carre crevasse on the left bank above New Orleans attained a width of 7,000 feet and continued flowing more than six months. The computed maximum discharge of 1850 at Carrollton was 1,050,000 cubic feet per second (deduced by Humphreys and Abbot from their Carrollton discharge curves of 1851-52), and the estimated maximum escape through crevasses between Red River and Carrollton was 118,000 second-feet on the right bank and 114,000 second-feet on the left bank.

In 1858 the maximum measured discharge of the Mississippi River was about 1,400,000 second-feet at Columbus, Ky. Discharges of 1,238,000 second-feet at Red River Landing and 1,188,000 second-feet at Carrollton were deduced from measurements at Vicksburg and Natchez and from the Carrollton discharge curves.

The flood of 1862 exceeded all previous gauge heights at Cairo and all points below. The crest was 50.8 feet at Cairo, 48.2 feet at mouth of White River, and 15.9 feet at Carrollton. Great damage was done to levees.

The flood in 1882 exceeded all previous records at all gauges from Cairo to Arkansas City. The crest was 51.87 feet at Cairo, 48.4 feet at mouth of White River, and 14.95 feet at Carrollton. There were 284 crevasses with an aggregate width of 59.1 miles.

The crest of the 1883 flood was 52.17 feet at Cairo, 48 feet at mouth of White River, and 15.4 feet at Carrollton. There were 224 crevasses with a total width of 34.1 miles.

The crest of the 1890 flood was 48.8 feet at Cairo, 50.4 feet at mouth of White River, and 16.1 feet at Carrollton. There were 53 crevasses with a total width of 6.8 miles.

The crest of the 1892 flood was 48.29 feet at Cairo, 49.27 feet at mouth of White River, and 17.35 feet (2.25 feet above previous record) at Carrollton. There were 31 crevasses with a total width of 2.3 miles.

The crest of the 1893 flood was 49.33 feet at Cairo, 49.48 feet at mouth of White River, and 17.45 feet at Carrollton. There were 17 crevasses with an aggregate width of 3.23 miles.

The crest of the 1897 flood was 51.72 feet at Cairo, 52.42 feet—2.02 feet above previous record—at mouth of White River, and 19.17 feet—1.6 feet above previous record—at Carrollton. There were 37 crevasses with an aggregate width of 8.7 miles.

The crest of the 1903 flood was 50.57 feet at Cairo, 53.7 feet at mouth of White River, and 19.42 feet at Carrollton. There were six crevasses totaling 2.2 miles in width.

The crest of the 1912 flood exceeded all prior records at all gauges south of Cairo with the single exception of Vicksburg. The maximum was 53.94 feet at Cairo, 56.35 feet at mouth of White River, and 21.05 feet at Carrollton. Twelve crevasses destroyed 13.4 miles of levee.

The crest of the 1913 flood was 54.69 feet at Cairo, 55.35 feet at mouth of White River, and 19.28 feet at Carrollton. This flood exceeded all previous records from Cairo to Helena. Eight crevasses destroyed 3.04 miles of levee.

The crest of the 1916 flood was 53.2 feet at Cairo, 56.5 feet at mouth of White River, and 20.05 feet at Carrollton. One crevasse 1,800 feet wide occurred in the controlling levee line.

The crest of the 1922 flood was 53.6 feet at Cairo, 56.85 feet at mouth of White River, and 21.27 feet at Carrollton. New high records were established at all gauges below White River. There were four crevasses in Mississippi River levees, with an aggregate width of 7,000 feet.

RECURRING FLOODS AND NO RELIEF

Following in the wake of every great flood which has deluged the valley in all the years since the jurisdiction and responsibility of the control of the river passed to the Federal Government by the Louisiana Purchase, Congress has made a perfunctory and superficial investigation of the problem, and has listened to small delegations from the flooded regions tell the story of their loss and suffering and has heard them beseech the United States to recognize its long-neglected duty, and to have established an adequate and comprehensive system which

would control these destructive flood waters of the Nation and prevent the ever-recurring disasters.

Congress has never heeded, however, except in a small measure, the pleas of these unfortunate people, nor of the many boards, commissions, and committees of engineers which have studied the problem, but continuously, for one reason or another, has adhered to the wasteful policy of piecemeal appropriations. The results were always the same; the levee districts could not raise sufficient money to complete the levees to the grade and section fixed by the engineers, Congress would not, and the inevitable happened. The next great flood would wash away a part of the levees, the ultimate cost of a completed system was thereby increased, and the aggregate of property values destroyed grew with each crevasse.

Shall it so happen again after this flood of 1927, the greatest and most destructive in the long list of holocausts visited upon the lower valley?

Crevasses in 1927

[Weather Bureau, Monthly Weather Review, Supplement No. 29]

Place	River	Bank	Date
North Alexander district, Illinois	Mississippi	Left	Apr. 8.
Union County Levee, Ill.	do	do	Apr. 16.
Ware, Ill.	do	do	Do.
Wolf Lake, Ill.	do	do	Do.
McClure, Ill.	do	do	Do.
Dorena, Mo.	do	Right	Do.
Whitehall, Ark.	do	do	Apr. 15.
Knowlton, Ark.	do	do	Apr. 20.
Laconia Circle, Ark.	do	do	Mar. 29.
Mounds Landing, Miss.	do	Left	Apr. 21.
Greenville, Miss.	Back levee		
Cabin Teale, La.	Mississippi	Right	May 3.
Winter Quarters, La.	do	do	May 1.
Vidalia, La.	do	do	May 11 (protection).
Glasscock, La.	do	do	Apr. 30.
Bougere, La. (4)	do	do	May 1.
Caernarvon, La.	do	Left	Apr. 29 (emergency).
Junior, La.	do	Right	Apr. 23 (caused by steamship).
Erie, Kans.	Neosho		
St. Paul, Kans.	do		
LeRoy, Kans.	do		
Fort Gibson, Okla.	do		Private levee.
Sebastian County Levee, Ark.	Arkansas		
Crawford County Levee, Ark.	do		
Pope County Levee, Ark.	do		
Yell County Levee, Ark.	do		
Perry County Levee, Ark.	do		
Conway County Levee, Ark.	do		
Faulkner County Levee, Ark.	do		
Pulaski County Levee, Ark.	do		
Plum Bayou, Ark.	do		
Pine Bluff, Ark.	do		
Old French Levee, Ark.	do		
Pendleton, Ark.	do	Right	
Jackson County Levee, Ark.	White		
White County Levee, Ark.	do		
Woodruff County Levee, Ark.	do		
Clarendon, Ark.	do		
Big Lake, Ark.	St. Francis		
Index, Ark.	Red		
Fulton, Ark.	do		
Lewisville, Ark.	do		Above and below.
Crichton, La.	do		
Vick, La.	do	Left	May 2.
Cottonport, La.	Bayou Rouge		May 12.
Kleinwood, La.	Bayou des Glaisses		May 14.
Bordelonville, La.	do		Do.
Willard Station, La.	do		Do.
Moreauville, La.	do		Do.
Hamburg, La.	do		May 14-15.
Melville, La.	Atchafalaya	Right	May 17.
McCrea, La.	do	Left	May 24.

The annual appropriations must be large enough to make real economy possible. There is no other work of improvement where the element of time is so important. Just when the next flood will come is beyond human reckoning. If another great flood should come before the lines are high enough and strong enough to withstand it, the loss will be great indeed, and the ultimate cost will be largely in excess of the present estimates.

LEVEES BUILT HIGHER AND HIGHER

The Mississippi River Commission in the beginning established a standard grade for levee building, which they changed from time to time to meet new flood heights, using the last prior flood as a basis, until 1914, at which time they established what they considered the ultimate as necessary in view of the floods of 1912 and 1913, and which is the present existing grade.

Before each recommendation of the Mississippi River Commission for an increased levee height could be carried out, a disastrous flood has come, and another increase in the levee heights recommended.

As all levee building participated in by the Mississippi River Commission was for the purpose of aiding navigation, the construction of the levees was as close as practicable to the river bank and many miles of levees were washed away because they were not protected and because the work was not done in such a manner that the prior work was protected, but it was done piecemeal. Many times work lagged because the Government and private interests did not have sufficient money at the same time.

In this connection there is a phase of the local contribution feature provided for in the flood control act of 1917 that should be touched upon.

Following the passage of this act which provided for continuing appropriations and with an estimated total sufficient to complete the work as then estimated, the different levee districts, practically without exception, obtained legislative authority to exceed their respective limiting amounts of outstanding levee bonds, in order to participate to the fullest with the United States Government. In this desire they met with a most liberal and helpful attitude on the part of the financial interests who stretched the credit of the levee boards to the utmost in fixing the amount of bonds that would be salable.

In the beginning many of the levee boards were disappointed at the relatively small amounts they were called upon to put into the United States cooperative fund, and requests to the commission for increased allotments to their respective districts were declined. At that time the levee boards were rich temporarily, with the proceeds of the new financing, and the Mississippi River Commission was relatively poor. Rather than build up large bank balances until such time as the Mississippi River Commission would be in a position to call upon them for larger contributions, the greater portion of these funds were expended in levee improvement, waiving the stipulated two-thirds cooperation on the part of the United States with the object of hastening the completion of the work. Expenditures of this character with no cooperation on the part of the United States, have largely contributed to the figures quoted in General Jadwin's report, namely, 70 per cent of levee expenditures by the local authorities and 30 per cent by the United States. (House Doc. 90, 70th Cong., 1st sess., par. 34.) Now, the situation is reversed, the levee boards are without funds in the face of a greater task, and the Government has plenty of funds. Should not these expenditures by local levee boards in anticipation of the availability of the funds to be supplied by the United States be taken into consideration?

JADWIN PLAN PROCEEDS ON WRONG THEORY OF LAW AND ASSUMES FACTS UNWARRANTED BY EVIDENCE

General Jadwin's plan is based on the following assumptions:

First. That the natural bed of the Mississippi River is the alluvial valley traversed; he assumes, therefore, that any part of the valley may be devoted to flood control without payment.

Second. That his flood-control plan is to be treated as a reclamation project. He contends that a benefit results from his project so that adjacent landowners should pay a part of the cost and land values are raised so that tax assessments paid to the States will be higher; therefore the States should help defray part of the expense and pay damages.

Third. That the destructive flood waters have an easement through the valley and that the valley should give it safe conduct or suffer the consequences and that the Government, under the swamp land acts, donated to the States certain land to pay for the construction of levees on the Mississippi River.

Fourth. That flood-control works should be optional with local communities.

ERRORS IN JADWIN PLAN POINTED OUT

Regarding the assumptions in paragraph 1 that the natural bed of the Mississippi River is the alluvial valley and the United States is engaged in a reclamation project, it is sufficient to state that the Supreme Court of the United States has held just the opposite in the case of *Cubbins v. Mississippi River Commission* (241 U. S. 351), the syllabus on exactly this point being as follows:

The conditions existing in the valley of the river demonstrate that the work of the Mississippi River Commission, and of the various State commissions, in constructing the series of levees from Cairo to the Gulf is for the purpose of prevention of destruction and improvement of navigation by confining the river to its bed and is not for purposes of reclamation.

In deciding this point, the Chief Justice, who rendered the opinion, one of the most eminent jurists in our history, said that the contention that the building of the levees was a work not of preservation but of reclamation, was unsound and was

"wholly irreconcilable with the settlement and development of the valley of the river."

As to the assumption in paragraph 3 above, that the destructive flood waters have an easement, the general's position is not well founded, as will be seen from the following quotations from ruling case law, as to the common law, and from Domat, a celebrated commentator, as to the civil law:

Acceleration of flow or increase in quantity of water: Without a grant, either express or implied, an upper owner has ordinarily no right to accelerate the impelling force of a stream of running water, as by deepening the channel or removing natural obstructions therefrom, to the injury of a lower owner. And this is true although there be no damage at the point where the stream enters the lower tract, but only farther down. * * * Dams, dikes, embankments, and the like may be constructed in or along floatable streams to facilitate their use, but not to the extent of injuring the riparian proprietors by * * * sending it down in increased volume, to their injury or at times when the stream would not otherwise be navigable. * * * So, if it appears that a dam erected by a municipality in a ditch or watercourse * * * so far increases the flow of a river with which the ditch is connected as to cause injury to the land of a riparian owner, the municipality will be liable to a lower riparian owner who sustains special damage on account of such increased flow. (27 Ruling Case Law, 1099-1100; citing a long list of cases.)

"If waters have their course regulated from one ground to another, whether it be by the nature of the place, or by some regulation, or by a title, or by an ancient possession, the proprietors of the said grounds can not innovate anything as to the ancient course of the water. Thus, he who has the upper grounds can not change the course of the waters, either by doing it some other way, or rendering it more rapid, or making any other change in it to the prejudice of the owner of the lower grounds. Neither can he who has the lower estate do anything that may hinder his grounds from receiving the water which they ought to receive and that in the manner which has been regulated." (Domat's Civ. Law, Cushing's Ed., p. 616 (1583).)

The justice of this position lies in the fact that the water from 31 States is poured, though uncontrolled, into the Mississippi River. It is the national ditch of the Government, and a moral duty rests upon us to prevent the waters from some of those States from destroying the property of the others and, if between private parties, this would be illegal. This is what the Government is doing; more and more each year they close natural drains and bayous, and thereby divert the natural flow and increase the natural burden in the lower States. The Government participates in this. In this, its acts are illegal, unless at the same time it protects the lower States against such increased burdens. From a legal standpoint, when the Government thus increases the waters in the river by drainage and levees, it becomes our duty to protect the States along the river from this increased flow of water.

With reference to the general's assumption, referred to in paragraph 3 above, that the swamp lands were donated by the Government to the States for the building of levees on the Mississippi River: That this is entirely erroneous is shown by the facts upon which the swamp land acts were based, as the swamp lands were donated to 15 States of the Union, including Alabama, California, Oregon, Iowa, and other States entirely out of the Mississippi Valley.

The debates in Congress when the acts were passed, the titles of the acts themselves, as well as the decisions of the United States Supreme Court, and other courts thereon, clearly demonstrate that these grants were made by the Federal Government under its policy of assisting the individual States in reclaiming swamp and overflowed land, as will be seen from Chapter IX, subchapter 2, herein, to which attention is invited.

The assumption in paragraph 4 above that participation in his flood-control plan should be optional with local communities needs little comment.

Would anyone think of expending millions of dollars for flood control only to have the whole system fail and the money wasted because one local district elected to stay out? The integrity of the levees is the prime factor in the control of the destructive flood waters. Local communities can not be forced to raise funds or be compelled to enter into a flood-control program which entails the expenditure of private funds.

The assumption that the project should be paid for in the same manner as reclamation projects can not be sustained upon the facts. A reclamation project has for its object the reclaiming or bringing into existence lands theretofore not susceptible of cultivation, while the lands herein involved have been in cultivation for hundreds of years. This is not reclamation, but preservation.

It is then contended that benefits will result and those receiving the benefit should pay part of the cost of the work. It is

useless to contend that no benefit will ensue, but it is contended that the benefits are not the kind upon which a special tax upon adjacent property is warranted. The benefits may be listed as follows:

Human life will be saved.
Sickness and disease will be prevented.
People will not be driven from their homes and made objects of charity.
Suffering and misery will be prevented.
Land will not be washed away.
Property will not be destroyed.
People will be able to follow their occupations.
Industry will continue.
Interstate commerce and the United States mails will not be interfered with.

There will be a feeling of security that will restore confidence. No court or law of the land ever levied a special tax on land based on these elements and to require a payment for these benefits would be levying a tax on saving of human life, on occupation, on industry, on opportunity, on progress, and on prosperity.

These benefits are some of those for which our National Government is organized, and always has been, are properly paid out of the General Treasury, and are given freely and without price in order that general welfare may be furthered.

The Federal Government has spent, and will continue to spend, millions of dollars to develop this country so that its citizens may prosper, and it will be a bold Congressman who will advocate a tax on the opportunity to make a good living and a small caliber one who would begrudge an American citizen this good fortune.

Our country can prosper only in proportion as our citizens prosper, and the misfortune of great numbers affects the fortune of the Nation. Why States as such should be considered in this matter is not quite clear. The States asked to pay have no part in producing the destructive flood waters. Floods know no State boundaries and can not be controlled by fiat. The States as such can not legislate regarding the control or use of the navigable waters of the Mississippi. The States have authorized the organization of levee districts and provided for the raising of funds and there is no more they can properly be asked to do.

Levee building is a matter between the Government and adjacent landowners, one for navigation, the other for protection. The landowner has followed the lead of the Government and has spent millions of dollars and all there is to show for it is a collapse of the system, and a poverty stricken and disappointed people.

Every argument made against the "Government pay all" proposition is equally strong regarding the "Government pay 80 per cent," with this difference, the 80 per cent Government payment secures no adequate flood-control protection while the 100 per cent Government payment insures the absolute success of the undertaking.

While reclamation is important to a landowner, its importance to him sinks in insignificance when compared with the importance to the Nation of maintaining this great river highway as a commerce carrier. Levees are essential to such, so why hesitate to construct them? Shall we neglect matters of national concern because individual citizens might profit therefrom?

Can it be, too, that the vast interests of the Nation in interstate commerce and in the transportation of the mails are not important enough to warrant the Federal Government to take all necessary steps to prevent their being interfered with by flood waters?

Millions of dollars are spent protecting our commerce abroad, yet no one would think of taxing those engaged in commerce to pay the cost of the protection. The lower Mississippi Valley produces more wealth for the United States Treasury than our foreign trade does, yet there are those who pretend to have business insight and who would begrudge this same protection to our home people.

General Jadwin's plan does not take into consideration the regions from which the floods come, and of course no solution of the problem can be found without so doing. Thirty States pour their flood waters down on Louisiana, and yet, after having erected levees sufficient to take care of the natural flood waters, it is forced to contribute large sums to take care of the floods produced by artificial drainage caused by the prosperity of other States. The one causing the damage should pay. It is our boast that there is no wrong without a remedy. This is a vain boast unless the Federal Government does its whole duty to the people of the lower Mississippi Valley. Fair play and common justice would require that, after having the benefit of privately paid for levees to aid navigation, the Government should do

the fair thing and build the levees for navigation that will aid these same people.

This is not a reclamation project but is a humanitarian one, pure and simple, and the United States should not attempt to drive a hard bargain when the safety and welfare of so many of its citizens are at stake. Shall it, like Shylock of old, demand its pound of flesh for its ounce of gold, especially when this work is made necessary to correct the mistaken policy of the Government itself in the control of the Mississippi River?

The economic principles applied in the Jadwin plan are open to great criticism and the objections to the no-contribution plan are not well founded because the objections urged apply with much more force to the Jadwin plan. The no-contribution plan has the virtue of frankness instead of being based on guesswork and without regard to proper economic principles.

That the Jadwin plan would work successfully dependent on local contribution was doubted even by its author, for, while stating certain conditions, he made provision to waive their compliance when it became necessary to do what he thought was desirable. Congress itself should fix the exceptions, if there are to be any, and should not leave that to the agency doing the work.

JADWIN PLAN PENALIZES ONE DISTRICT TO BENEFIT ANOTHER

Another of the serious objections to General Jadwin's plan, and one which is most strongly urged by the officials and people in the affected States, is that it proposes to protect certain districts and States at the expense of other districts and States. And not only so, but it proposes further that in some places certain works shall be erected to protect a city or territory, which will result in other territory, sometimes in another State, being periodically flooded, and calls upon the latter district to pay for the works.

As expressed in the brief filed by Governor Martineau, of Arkansas, in referring to the Boeuf Basin flood way proposed by General Jadwin, which would flood over two and a half million acres, much of it productive land, and destroy many cities and towns in Arkansas in order to protect a portion of the State of Mississippi, Arkansas is being asked to "pay a portion of its own funeral in order that other sections may survive" (p. 2500).

A similar proposal in the Jadwin plan has aroused the people of southeast Missouri. The general recommends that in order to protect the city of Cairo, Ill., on the other side of the river, the present levees on the Missouri side shall be cut down and set back 5 miles, and a river-bank flood way created between Birds Point and New Madrid, Mo., which in times of flood would lay waste and devastate 144,000 acres of land, 60 per cent of which is highly cultivated and productive. And the cost of this work, estimated at millions of dollars, is to be borne by the people of Missouri, while the city of Cairo, Ill., is not to be asked to put up a cent.

Such inequities and injustices in the Jadwin plan convince the committee that the legislatures of the valley States will never agree to it, and that, therefore, no flood-control work will be done, as the plan provides no work shall be done until the States have consented to the plan and agreed to provide the money.

Instead of the Jadwin plan, if adopted by Congress, providing protection from the floods of the lower Mississippi Valley, it might result in the recurrence of a disaster like that of 1927.

ENGINEERING FALLACIES OF JADWIN PLAN

Fundamental doubts as to the technical soundness and efficacy of the plans submitted by General Jadwin was testified to by many engineers outside Government circles, and these doubts were clearly enough recognized by members of the committee, so it was necessary in the bill to create an organization competent to work out a dependable plan. The engineers best qualified by training and experience as well as by personal experience fighting floods on the Mississippi River objected to many of the engineering features of the Jadwin plan.

These objections are: (1) That it is lacking in engineering details and has not a sufficient factor of safety; (2) that it uses new and untried methods in the diversion of the flood waters; (3) that the "fuse-plug" levees will not work and disaster will result; and (4) generally that it is not dependable and is not feasible from an engineering standpoint. The committee did not believe it probable that so many eminent engineers could all be wrong, and therefore refused to adopt the Jadwin plan as the project for the flood-control work.

COST OF PROJECT

An appropriation of \$473,000,000 is authorized. The committee considered very carefully the several items recommended by the Mississippi River Commission and General Jadwin and arrived at this figure to include those which, in its opinion, should be undertaken immediately. The amount authorized, therefore, represents a consolidation of the two plans, with the addition

of several others by the committee which it believed should be provided for. The following are the items which make up the \$473,000,000: Bonnet Carre spillway, Atchafalaya flood way, Cypress Creek diversion, Birds Point-New Madrid flood way, main-river levees, tributaries' levees, mapping, reservoirs, reforestation, erosion, surveys, and investigations.

The President is authorized, when, in his judgment, it is necessary and the condition of the Treasury requires it, to issue bonds to raise the money required to carry out the project. This would prevent too great a drain upon the Treasury at any one time and would permit the spreading of the expenditures over a period of years.

The committee in its three months' hearings had presented to it a woeful picture of this flood of 1927. Many members of the committee had visited the flood area while the flood was at its height. It laid waste a veritable empire and drove 700,000 men, women, and children from their homes to face privation, suffering, disease, and sometimes death; they were seeking shelter, food, and clothing from the Red Cross, and became dependent upon the generosity of their fellow Americans. Scenes such as the observers beheld were indeed comparable only to war itself, and it is very doubtful if even war was ever more certain and complete in its wholesale destruction of a great region.

Thousands of newspaper and magazine articles describing these scenes were published and were available to those who found it impossible to visit the scenes of the disaster. Special writers from all great news agencies in America were sent to the valley. Photographs taken from boats, from trains, from points of vantage on portions of levees still standing, from the high ground, from airplanes, and in every way which the mind of the wily photographer could suggest, were published, and many of them filed with the committee. Hundreds of moving-picture reels were made, and news organizations carried the pictured details of devastation to every town, hamlet, and city of America.

MAGNITUDE OF PROJECT

IT IS A BIG UNDERTAKING AND THE UNITED STATES SHOULD ACT

That this is a gigantic undertaking is the opinion of the entire country as evidenced by the public addresses of many prominent men, editorials, statements in numerous leading newspapers and magazines, and resolutions of national associations and organizations.

President Coolidge, in his address at the Budget meeting on June 10, said of the Mississippi River flood of 1927:

The vast, fertile, and productive reaches bordering the Mississippi and its tributaries have been subjected to great disaster. The loss of life and property is appalling. * * * Control measures that were considered by all as ample to full protection have proven inadequate. Such a disaster must never happen again.

And in addressing the Union League Club of Philadelphia, on November 17, 1927, President Coolidge said:

Flood control must be completed.

Secretary of War Dwight F. Davis, in an address given before the Chicago Flood Control Conference in June, 1927, said:

The Mississippi River question is one that can and must be controlled. The Nation whose engineers defied seemingly insurmountable obstacles in building the Panama Canal can and will solve this great and complex problem.

Herbert Hoover, Secretary of Commerce, in an address at Little Rock, Ark., June 25, 1927, said:

The Mississippi flood of 1927 has been a disaster unprecedented in the peace-time history of our Nation.

Major General Jadwin, Chief of Engineers of the United States Army, in an address at the Chicago Flood Control Conference on June 3, 1927, said:

The flood of the Mississippi Valley is, in many ways, the most serious catastrophe of its kind in the history of our country. It is less serious only than war itself.

Hon. NICHOLAS LONGWORTH, Speaker of the House, in an address before the Chicago Flood Control Conference in June, 1927, said:

I believe there is not a man in either the House or the Senate that does not believe and realize that the time has come when the Government of the United States itself must take an active interest and participation, not only in the relief of the sufferers but in the prevention of such future catastrophes.

Hon. MARTIN B. MADDEN, chairman of the House Appropriations Committee, in an address at the Chicago Flood Control Conference in June, 1927, said:

We are not penurious. We have been generous with the world. Whenever they have been confronted with a crisis; whenever Congress found itself in session on an occasion where any foreign nation or any foreign people were in trouble like we have been, we responded generously to the call, both individually and officially. And we are going to respond to the call of the American people in the Mississippi flood.

Hon. Jacob M. Dickinson, former Secretary of War, member of the flood-control committee of the Chamber of Commerce of the United States, on pages 411 to 417 of the hearings said:

I think that you can accept that, gentlemen, as a fact that can not be gotten away from; that if any plan be set upon foot and formulated which has as a basis the coordination of action by the various States or counties or levee boards, it is doomed to certain failure, and the result will be, if any such plan as that be adopted, that that country will be abandoned absolutely to a jungle, and here we will have through the center of the United States a tremendous territory of fertile land which will be completely given over to waste.

That conclusion is sure. If there is anything certain in this question, it is that if a plan is to depend upon the contributions of the States and the counties and the coordinating of them into one general work, or any part of them, the whole thing will have to be abandoned. I never felt surer of a proposition in my life than I do about that.

Of course, if the Government is going to assume this work, and the expenditure necessary in connection with it, it has got to have the complete power of locating it and controlling it.

Of course, if that country should be abandoned it would be an almost unthinkable thing—and, as I have undertaken to show, it will be abandoned unless the National Government shall undertake it—and we would have here, right in the midst of our country, a great gash cut through it subject to constant and recurrent overflows. It would break up the railroad system of your country. It would shut off your commerce to the next to the largest port in the United States of America, and in case of peace it would involve vast losses of every kind; and in case of war it might result in a very great disaster, because we know that in this late war a very large part of the transportation to the foreign countries of men and supplies and fuels and things of that sort was carried over the railroads and down the Mississippi River to the port of New Orleans and there transported. If the flood had come at the very crux and critical moment of the war and that country had lapsed, as we now contemplate the possibility of its doing, into abandonment, you can see how the sentiment of the country would rise up and proclaim against it. I do not believe that any other country on earth, no matter what questions were involved, would submit to have that vast area abandoned and turned over to desolation and loss. That seems to me to be unthinkable.

So there is a great national work at hand. It has got to be protected; and the question of protecting the people, I say, is merely incidental to it. If there were not a city or a plantation on either bank of the Mississippi River, I should say it would be your duty to control and preserve and maintain in its integrity the navigation of the Mississippi River.

There is nothing new in the idea that the control of these disastrous and devastating floods is a great national question and that the problem is one to be solved by the Federal Government itself.

Presidents William Henry Harrison, Abraham Lincoln, Andrew Johnson, James A. Garfield, Rutherford B. Hayes, Theodore Roosevelt, William Howard Taft, Woodrow Wilson, and Calvin Coolidge all have emphatically declared that this problem is national.

Henry Clay in a speech in the Senate said:

The Mississippi, with all its tributaries, constitutes a part of a great system, and if the system be not national, I should like to know one that is national.

In 1912 the platforms of both the Republican and Democratic Parties, as well as that of the Progressive Party, declared that the problem was national and pledged its solution.

"The control of the Mississippi River floods is now more than ever before our greatest domestic problem," according to the United States Chamber of Commerce. (Report of Committee, Referendum No. 51, p. 22.)

John F. Stevens, president of the American Society of Civil Engineers in 1927, and Chief Engineer of the Panama Canal, on page 4284 of the hearings, said:

The CHAIRMAN. You consider this is a big problem, do you?

Mr. STEVENS. It is one of the biggest I have ever known; and as far as the engineering problem is concerned, it far exceeds that of the Panama Canal.

PANAMA CANAL ACT SUGGESTED AS A PRECEDENT

Representative E. E. DENISON, of Illinois, on page 3274 of the hearings, said:

When we decided to construct the Panama Canal, we adopted a policy. I wish the committee could, before you report your legislation, read the Panama Canal act, known as the Spooner Act of 1902. It contains but a couple of pages, and yet it authorized and provided for the greatest project that has ever been undertaken by any Government.

Congress did not go into details in that act and tell the engineers how to dig that ditch. We did not tell the engineers how wide to make it or how many locks to have, how wide the locks should be, or how deep or any of those details. We decided the question of policy.

There we issued a mandate to the President to carry out a policy. What was it? To dig a canal; to buy the French company's properties there; to negotiate a treaty for the right to cross the country; to construct a canal of sufficient depth to accommodate not only the largest vessels that were then known but that may be reasonably expected; then defend it and construct terminals at the ends of the canal. That is as far as we went, and that is as far as Congress could go.

The Government had decided, of course, on a lock canal. We did not leave that to the engineers to decide whether it should be a lock canal or a sea-level canal. The Government decided that. Then, having decided that, they issued a mandate to the President through the Isthmian Canal Commission to go ahead and construct the canal. There is a good example for this committee to follow.

Although many of the members of the committee had been witnesses of the disaster, the committee, none the less, felt the necessity of hearing, for the benefit of those members who had not visited the area, first-hand testimony from those who had part in the great fight. It had before it prominent citizens from Louisiana, Mississippi, Arkansas, Tennessee, Kentucky, Missouri, and Illinois. The graphic picture which they painted of the desolation and devastation of the valley is part of the seven-volume record of testimony which the committee has compiled. The flood had left an indelible print upon their minds, and their appeal, weary and worn out in the struggle, was to the great American Government not to allow it to happen again. With one united voice they echoed President Coolidge's memorable words, "The recurrence of such a disaster must be forever prevented."

The hearings before the committee began on November 7, 1927, a month in advance of the convening of Congress, and were attended by citizens from the North, the South, the West, and the East. It is doubtful if ever before in our history has so large a group of citizens attended the discussion of a single national problem. There were here governors of States, United States Senators and Representatives, mayors of great cities, engineers, and public officials from Minneapolis to New Orleans and from Pittsburgh to New Mexico.

Three months were consumed by the committee in listening to evidence, the hearings having closed on February 1. For 63 days the committee was in session, and all of its meetings were attended by a practically full committee membership. The testimony fills six volumes, covering 4,924 pages, in addition to an appendix volume, and the total record is estimated to contain over 3,500,000 words.

WITNESSES BEFORE THE COMMITTEE

There appeared before the committee delegations from 15 States of the Mississippi Valley and from the far West and the far East. It had before it witnesses from New England to California. Over 40 Senators and Representatives testified before the committee. More than 300 citizens were examined, including governors of many States. Army engineers testified, as well as the engineers from all the levee districts of the Mississippi Valley from Rock Island to the Gulf. Three past presidents of the American Society of Civil Engineers testified before the committee and gave it the benefit of their wide experience. The committee record includes over 150 resolutions adopted by the leading commercial, civic, and fraternal organizations of this country. It received 300 manuscripts containing the most fantastic plans and offering every conceivable solution of the problem, from plowing up the bed of the river to making an entirely new channel 3 miles wide. It also received 5,000 letters and telegrams from every part of the United States dealing with the problem of flood control on the Mississippi and throughout the Nation.

NATIONAL ORGANIZATIONS INDORSE FEDERAL PAYMENT FOR FLOOD CONTROL

A great many national organizations sent representatives to appear before the committee, including the United States Chamber of Commerce, the American Legion, the American Federation of Labor, the American Farm Bureau Federation, the

American Bankers' Association, Investment Bankers' Association of America, National Association of Real Estate Boards, National Sand-Lime Brick Association, Motion Picture Theater Owners of America, Mississippi Valley Association, Masonic lodges, the Chicago Flood Control Conference, and the Mississippi River Flood Control Association, each representing and speaking for a vast membership of the citizenship of this country and each unanimously insisting that Congress find a solution of what, in their judgment, had become the Nation's greatest problem.

The sympathetic interest of the American people in the suffering and distress of their fellow citizens in the Mississippi Valley was aroused as never before in our history as a Nation, and they have very properly insisted that their Representatives in Congress shall take such action as will forever prevent the recurrence of a similar catastrophe. The statement was made before the committee that propaganda has been used to influence Members of Congress in their stand on this subject and that referendums, opinions, and views from outside sources should be disregarded. Have the American people not a right, through every lawful means, to express their will in regard to legislation? Are they to be denied the right to voice their overwhelming sentiment that these disastrous and destructive floods shall be controlled by the Federal Government?

Representatives of many national organizations appeared before the committee during the hearings and presented resolutions adopted, in many cases, unanimously by their bodies, and told of the steps taken by their organizations and individual members to present their views on this great national question to the Members of Congress. These organizations serve a most useful purpose, and should be commended instead of censured by the Members of Congress for the opportunity afforded them to learn the opinions and desires of their constituents. What better guide can one who is supposed to represent the people have to their wishes?

COMMITTEE ASSISTED BY ENGINEERING EXPERTS

The committee had the able assistance and advice of four committees of distinguished civilian engineers, for whose cooperation it is deeply indebted and extremely grateful. One of these committees was from the American Society of Civil Engineers, headed by John F. Stevens, president of the society in 1927, and chief engineer of the Panama Canal, an engineer of international reputation; one from the leading universities of the United States; one from the principal railroads in the Mississippi Valley; and one from the States and levee districts of the valley. Members of these committees came to Washington at their own expense to assist in finding the best possible course for Congress to pursue.

The examination of so many individuals in the discussion of technical problems of engineering and economics was not an easy one, and yet the members of the committee, by thorough preparation, were able, not only to grasp the economic side of the problem, but to appreciate the technical features. During three whole months the members of the committee, at the practical sacrifice of all other affairs, were constantly in attendance at the hearings, placing this most serious problem of the Nation before every other consideration, for which they are entitled to the commendation and thanks of the Congress and the people of the country.

TESTIMONY ON EFFECTS OF FLOOD ON INTERSTATE COMMERCE AND THE UNITED STATES MAILS

Upon the economic phases of the problem the committee had valuable testimony. It had before it the Secretary of War, Hon. Dwight F. Davis, whose testimony upon the value of the river to the Nation is available as part of the committee hearings. Its members heard Postmaster General Harry New testify to the number of post offices closed, the interruption and suspension of the mails, and the general disarrangement of the Government's mail service. Officials of great transcontinental railroads testified not only to their heavy losses, resulting from the suspension of business over weeks and in some cases months, but likewise furnished this committee with an accurate estimate of the degree to which the flood paralyzed interstate commerce, both passenger and freight. Their testimony revealed what could happen to this Nation through the suspension of interstate shipment in time of war should one of these preventable floods occur at such a time.

TESTIMONY ON FINANCIAL AND COMMERCIAL EFFECTS

Prominent bankers and business men were likewise in attendance at the committee hearings. Such a general interruption of commerce would itself have a deterring effect upon the business of the Nation generally, but this would be reparable were it not for the staggering actual losses of property which

can not be replaced for years to come, and upon which millions of dollars of securities have been predicated. These financiers testified that the solvency of the stricken areas would break down unless some agency came to the rescue. In many instances there was testimony that tax suspensions were in contemplation to give relief. The huge loss in farm implements, livestock, and domestic animals increased the burden and made immediate living conditions increasingly difficult.

The floods of former years have stricken these people of the South many times, often with as tremendous a force as that of the recent flood, and which were followed by the same untold misery, but never before had their helplessness and their suffering attracted the attention of the entire Nation and of the Congress as did the flood of 1927. Each preceding flood brought small delegations of the Mississippi Valley to Congress, supplicating protection against the waters of the Nation's greatest river. They received before a somewhat superficial investigation of their troubles, considering the magnitude of the project, and the fact that human life and its protection by this Government, as well as great property loss, were involved.

In the past this made but a small impression upon the representatives of the American people until the flood of 1927 brought to us the realization that the solution of this problem had gone beyond the power of individual States or communities and had become the Nation's duty.

THE BILL

1. H. R. 8219 reported favorably by committee with amendment.
2. Synopsis of the bill as amended.
3. Explanation of provisions of the bill as amended.

1. H. R. 8219 REPORTED FAVORABLY BY COMMITTEE WITH AMENDMENT

The Committee on Flood Control, to which was referred the bill (H. R. 8219) to prevent destructive floods which cause the loss of life and property, interrupt interstate commerce or delay the United States mails; and to prevent the recurrence of a flood such as that of the Mississippi River in 1927, which resulted in the loss of more than 246 lives, drowned out hundreds of cities, towns, and villages, drove 700,000 people from their homes, rendering them objects of charity dependent upon the Red Cross and other agencies, inundated 18,000 square miles, destroyed 1,500,000 farm animals, caused losses amounting to many hundreds of millions of dollars, suspended interstate freight and passenger traffic, prevented telegraph and telephone communication, delayed the United States mails, and paralyzed industry and commerce, having considered the same, report thereon with a recommendation that it do pass, with the following amendment:

Strike out all after the enacting clause, and insert the following:

That for the sole purpose of aiding interstate commerce, preventing interruptions to the United States mails, promoting general welfare and national defense, and for the security of the life and property in the lower Mississippi Valley from the destructive flood waters of the Mississippi River, the President shall, through the Mississippi Valley Flood Control Commission hereinafter authorized, proceed at once, without local contribution, to cause to be established, constructed, and completed a comprehensive system of flood-control works to control the largest floods of the Mississippi River now recorded, or which may be reasonably anticipated, consisting of such levees, controlled and regulated spillways, flood ways, storage basins, and reservoirs and appurtenances thereto as in the judgment and discretion of said Mississippi Valley Flood Control Commission may be necessary, to keep the flood crests of the said Mississippi River at or below the gauge heights as hereinafter indicated, and will permit the passage of the destructive flood waters of the said river and its tributaries safely through such flood-control works from Cape Girardeau, Mo., to the Gulf of Mexico, utilizing to that end as far as practicable the work heretofore done by the Mississippi River Commission and other agencies for the control and improvement of the Mississippi River.

SEC. 2. That to enable the President to construct the flood-control works as provided in this act there is hereby created the Mississippi Valley Flood Control Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said project, unless sooner removed by the President, and one of whom shall be named as the chairman of said commission. Of the seven members of said commission at least four of them shall be persons learned and skilled in the science of engineering. Said commissioners shall devote their entire time to the duties of the commission, and each shall receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said commission the President is hereby authorized through said commission to employ in said service any of the engineers of the United States Army at his

discretion and likewise to employ any engineers in civil life at his discretion and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this act shall be fixed by said commission, subject to the approval of the President. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all its official actions and of all moneys received and expended in the construction of said work and in the performance of its duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by act of Congress or by the order of either House of Congress or appropriate committee thereof. The President shall cause to be provided and assigned for the use of the commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof; and said commission shall keep a true and correct record of its proceedings and shall make such rules and regulations, subject to the approval of the President, as are necessary for the orderly conduct of its duties.

SEC. 3. Upon completion of the project herein authorized the Mississippi Valley Flood Control Commission shall turn over to the Chief of Engineers of the United States Army all records, property, and equipment of every kind whatsoever in its possession.

SEC. 4. The Mississippi Valley Flood Control Commission created by this act shall succeed to the jurisdiction of the Mississippi River Commission and shall take over and complete all flood-control and river-improvement work thereof.

SEC. 5. The Mississippi River Commission is hereby authorized and directed to transfer and deliver to the Mississippi Valley Flood Control Commission created by this act any and all property and equipment, papers, maps, charts, records, books, or other documents now in its possession bearing upon or connected with floods and flood control and improvement works of the Mississippi River and its tributaries; and the President is authorized to require the transfer and delivery thereof to the Mississippi Valley Flood Control Commission created by this act. Any and all papers, maps, charts, records, books, and other documents shall be made available to the Chief of Engineers of the United States Army as and when necessary to be used in flood-control work under his direction; and the Chief of Engineers is hereby directed to make available all records, surveys, maps, and documents in his possession or under his control as and when necessary to be used in flood-control work by the Mississippi Valley Flood Control Commission.

SEC. 6. When the Mississippi Valley Flood Control Commission herein authorized is appointed and organized the Mississippi River Commission shall be thereupon abolished.

SEC. 7. The Mississippi Valley Flood Control Commission shall, under the direction of the President, have exclusive control of the location, construction, and maintenance of all flood-control works herein provided for, and shall cause to be made such investigations, studies, and surveys as may be necessary for the prosecution, construction, and completion of such works, and may employ such persons as it may deem necessary therefor and fix their compensation.

SEC. 8. The President, through said commission, is hereby authorized and directed to proceed at once by hired labor or otherwise to construct and complete the flood-control works and river-improvement works herein and heretofore authorized. Said commission is hereby authorized to acquire in the name of the United States such equipment, property, real estate, or interest therein, or uses thereof, rights of way, flowage rights, or flood ways, or other property or rights as may be necessary to carry out the purposes of this act.

SEC. 9. The Mississippi Valley Flood Control Commission is hereby authorized to acquire in the name of the United States such real property or interests therein as shall in its judgment be necessary to effect the purposes of this act (1) by purchase whenever such property or interests may be obtained at a price deemed by it to be reasonable; (2) by donation; (3) by condemnation proceedings.

SEC. 10. Whenever any State or subdivision or agency thereof, or any levee district, individual, partnership, corporation, or company, shall have acquired, after the passage of this act, for the purpose of conveying the same to the United States any such property or interest, the commission is hereby authorized to repay to such State, subdivision, agency, levee district, individual, partnership, corporation, or company, in exchange for a deed or legal instrument conveying to the United States a good and marketable title to such property or interest, the amount expended therefor by such State, subdivision, agency, levee district, individual, partnership, corporation, or company, provided such amount shall not exceed the fair market value thereof and in the opinion of said commission be reasonable.

SEC. 11. There is hereby conferred upon the commission full power to enter upon lands and to acquire, condemn, occupy, possess, and use real

estate and other property needed for the location, construction, operation, and maintenance of flood-control works.

SEC. 12. The commission may, if it deems it for the best interests of the United States, proceed and acquire title to any property, rights, or interests herein authorized to be acquired by condemnation thereof, under the direction of the Attorney General of the United States, by judicial proceedings to be commenced in the appropriate district court of the United States. The court shall, for the purpose of ascertaining the just compensation to be paid to the owner of the said property, appoint three commissioners, who shall be competent and disinterested appraisers. The appraisers shall be sworn to the faithful performance of their duty. They shall, under such rules as the court may prescribe, view the property and hear the evidence which either party may offer, and they, or a majority of them, shall then sign and file a report fixing and determining the value of the property or right sought to be acquired. Either party may, within 10 days after the filing of the report, file objections or exceptions thereto. The court shall consider the report and objections and confirm or modify the same, or make such other appropriate order as it shall deem proper. The court shall, at the conclusion of the proceeding, enter an order fixing and determining the amount which shall be paid to the owner of said property as just compensation for the taking thereof, which order shall be final and binding upon both parties.

Upon the filing of exceptions or objections to the report of said commissioners by the party or parties owning or having an interest in the lands, rights of way, flowage rights, easements, and improvements sought to be condemned in such proceeding, the Mississippi Valley Flood Control Commission shall have the right to take immediate possession of said lands, rights of way, flowage rights, easements, and improvements to the extent of the interest to be acquired and to proceed with the work herein authorized: *Provided*, That the court in which such proceeding shall be pending shall be satisfied that certain and adequate provisions shall have been made for the payment of just compensation to the party or parties entitled thereto by previous appropriations of the United States.

In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that just compensation may be promptly ascertained and paid. All proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the act of Congress of August 1, 1888, entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes."

SEC. 13. The commission is hereby authorized and directed to proceed at once with the work authorized by this act, including the enlarging, raising, strengthening, reinforcing, relocating, and reconstructing of existing levees as may be necessary to control the destructive flood waters of the Mississippi River and its tributaries and outlets, in so far as said tributaries and outlets are affected by the flood waters of the Mississippi River.

SEC. 14. And for the purpose of assisting in the control of the destructive flood waters, and supplementary to the system of levees, the commission is hereby authorized and directed to prepare such plans for flood control, and so locate, relocate, raise, strengthen, construct, or reconstruct the levees, and so construct spillways, flood ways, diversion channels, storage basins, or reservoirs, that the flood waters of the Mississippi River be confined, controlled, regulated, and carried safely through such flood-control works from Cape Girardeau, Mo., to the Gulf of Mexico, and the flood-control works shall be of such type and capacity that sufficient of the flood waters shall be diverted from the main channel thereof so the flood crest thereof shall not hereafter exceed 19 feet on the Carrollton gauge at New Orleans, La., 58 feet on the gauge at Arkansas City, Ark., and 54 feet on the gauge at Cairo, Ill.

SEC. 15. The Mississippi Valley Flood Control Commission shall cause to be made an economic survey of the area involved in the flood-control project to ascertain the effect of the additional flood-control protection herein provided on said area and report its findings to the President, who shall transmit the same to Congress.

SEC. 16. The President is hereby authorized and directed to proceed at once to cause the investigation and study, either by the Mississippi Valley Flood Control Commission, the Chief of Engineers, or other agency, of all watersheds within the Mississippi Basin producing floods destructive to life and property or which obstruct interstate commerce and cause interruption of the United States mails, utilizing in said studies all available data, reports, and surveys, including the surveys and reports thereon authorized by the act approved January 21, 1927. Reports of said studies shall be transmitted to Congress as soon as practicable and from time to time as the studies shall be completed, with a view to the adoption of plans for the control of the destructive flood waters in said Mississippi Valley, which reports shall also contain a statement of (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; (d) such other uses as may be properly related to or coordinated with the project; (e) what Federal interest, if any, is involved in the proposed improvement; (f) what share of the

expense, if any, should be borne by the United States; and (g) the advisability of adopting the project.

SEC. 17. The President shall at once proceed to ascertain, through the Mississippi Valley Flood Control Commission, or other agencies, the extent to which floods in the lower Mississippi Valley may be controlled by a reservoir system. All such agencies in their investigations shall, so far as they reasonably can, invite the helpful aid of State engineers, university and technical men, and State officials. The studies shall include such questions as: The effect on the subject of flood control in the lower Mississippi River to be attained through the control of flood waters in the drainage basins of its tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation, agriculture, and power from the prevention of erosion and siltage entering the streams; a determination of the capacities of the soils of the district to receive and hold waters from such reservoirs; and such kindred questions. It shall also further inquire as to what additional benefits may accrue from such reservoir system, the prospective income from the disposal of such waters, including both agriculture and power; it shall inquire as to the return-flow value of waters placed in the soils from reservoirs, as to their stabilizing effect on stream flow as a means of preventing erosion and silting and improving navigation conditions, and shall determine to what extent reservoir waters may be available for municipal and domestic uses and to what extent reimbursive; it shall report as to the approximate cost of each proposed reservoir and its capacity and shall give specific reasons for acceptance or rejection of any proposed reservoir site.

As soon as the studies of reservoirs, singly or in groups, provided for in the foregoing section, shall have been completed and approved by the commission or other agency, with definite estimates of cost and working data, they shall be reported by said commission or agency to the President of the United States, together with all related findings and conclusions, and on his order to such effect said commission or other agency shall proceed with the construction thereof as soon as money shall be available for such purposes, either by the letting of contracts or by Government construction: *Provided*, The conclusion reached by the President shall be that such construction will have a substantial and beneficial influence in the control of floods on the navigable waters of the lower Mississippi Valley, and is, in his opinion, economically justifiable.

On completion of any reservoir or reservoirs, so constructed, the Secretary of the Interior shall have authority to dispose of any impounded waters, under rules made by him and approved by the President, and may further enter into negotiations for the purpose of disposal of reservoirs themselves, always retaining, however, at all times, authority to direct the impounding and the emptying of the water in such reservoirs. Tentative agreements for the sale of any reservoir shall be submitted to Congress and be approved by law before final sale thereof is made.

SEC. 18. To carry out the purposes of this act, the President and the commission are hereby authorized to utilize the engineering, scientific, and constructive services of the bureaus, boards, and commissions of the several Government departments of the United States, and commissions created by Congress that relate to the study, development, or control of rivers and subjects related thereto.

SEC. 19. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$473,000,000, or so much thereof as may be necessary to carry out the provisions of this act, and in order to provide the funds necessary to carry out the provisions of this act, the President is hereby authorized, when the condition of the Treasury necessitates so doing, and if he deems it advisable, to exercise, through the Secretary of the Treasury, the authority granted by the various Liberty bond acts and the Victory Liberty loan act, as amended and supplemented, to issue bonds, notes, and certificates of indebtedness of the United States; and any bonds so issued shall be disregarded in computing the maximum amount of bonds authorized by section 1 of the second Liberty bond act, as amended.

Amend the title so as to read: "A bill to provide a comprehensive system of flood control of the Mississippi River in its alluvial valley, and for other purposes."

2. SYNOPSIS OF THE BILL AS AMENDED

Section 1 authorizes the President, through a new commission to be appointed by him, to construct flood-control works consisting of levees, controlled and regulated spillways, flood ways, storage basins, and reservoirs and appurtenances thereto, to pass destructive flood waters of the Mississippi River safely from Cape Girardeau, Mo., to the Gulf of Mexico without local contribution, utilizing the present levee system as a basis.

Section 2 authorizes the President to appoint the Mississippi Valley Flood Control Commission, to exist until the completion of the project only, composed of seven members, who must devote their entire time to the duties of the commission, and four of whom shall be engineers; authorizes the President to fix their salaries, and authorizes employment of Army or civilian en-

gineers and all assistants, and provides for the procedure of the commission.

Section 3 directs the commission to turn over to the Chief of Engineers all records, etc., on completion of the project.

Section 4 cedes the flood-control jurisdiction and river improvement work of the Mississippi River Commission to the Mississippi Valley Flood Control Commission.

Section 5 provides for the transfer of all records and property to the Mississippi Valley Flood Control Commission from the Mississippi River Commission; provides for the use by the Mississippi Valley Flood Control Commission of all flood-control records of the Chief of Engineers of the Army, and makes available to the Chief of Engineers all flood-control records of the Mississippi Valley Flood Control Commission.

Section 6 abolishes the Mississippi River Commission upon organization of the new commission.

Section 7 places the exclusive control of the flood-control works in the Mississippi Valley Flood Control Commission and provides for surveys and for the employment and pay of all necessary assistants.

Section 8 authorizes the construction of all flood-control works by hired labor or otherwise, and provides for the acquirement of all necessary property, equipment, and flowage rights.

Section 9 authorizes the commission to acquire necessary real estate or interest therein by purchase, by donation, or by condemnation proceedings.

Section 10 authorizes the commission to obtain necessary property through levee districts or other agencies.

Section 11 confers on commission power to enter upon and acquire lands for flood-control purposes.

Section 12 authorizes condemnation proceedings by the commission, through the Attorney General of the United States, to acquire necessary land for flood-control purposes, and the payment of just compensation for the property taken with authority to enter upon necessary lands to be condemned after court proceedings have been instituted and under certain conditions.

Section 13 directs the commission to proceed at once to enlarge, raise, strengthen, reinforce, relocate, and reconstruct existing levees to control the destructive flood waters of the Mississippi River.

Section 14 provides, in addition to system of levees, for the control of the destructive flood waters by spillways, flood ways, diversion channels, storage basins, and reservoirs.

Section 15 provides for an economic survey of the area involved in the flood-control project to ascertain the effect of the additional flood-control protection, and report of its findings to the President, who shall transmit the same to Congress.

Section 16 authorizes the investigation and study of watersheds within the Mississippi Basin producing destructive floods, all available data, reports, and surveys to be utilized in said study, including the surveys and reports authorized by Congress in the act of January 21, 1927, and provides that the report shall include information as now provided for in the present flood control act.

Section 17 provides for a comprehensive reservoir survey to ascertain the extent to which floods in the lower Mississippi Valley may be controlled by a reservoir system; report to contain valuable information on kindred subjects, and provides for their use if economically justifiable, in the opinion of the President.

Section 18 authorizes the commission to utilize engineering, scientific, and constructive services of all Government departments and commissions that relate to the study, development, or control of the rivers or subjects related thereto.

Section 19 authorizes the appropriation of \$473,000,000, or such sums as may be necessary to carry out the provisions of the act, and in the event the condition of the Treasury necessitates so doing, the President is authorized to issue bonds up to that amount.

3. EXPLANATION OF PROVISIONS OF THE BILL AS AMENDED

Section 1

The bill in its amended form as reported by the committee provides in a general way in section 1 that "for the sole purpose of aiding interstate commerce, preventing interruptions to the United States mails, promoting the general welfare and national defense, and for the security of life and property in the lower Mississippi Valley from the destructive flood waters of the Mississippi River" the President shall through a commission, to be known as the "Mississippi Valley Flood Control Commission," construct certain flood-control works "without local contributions" as will control the greatest floods heretofore recorded or which may be reasonably anticipated. The section

refers to a "comprehensive system of flood-control works" in which there is authorization to include levees, controlled and regulated spillways, flood ways, storage basins and reservoirs, and appurtenances thereto, as are in the judgment of the President and commission necessary or economically advisable so as to reduce the volume of water in the main trunk of the river between Cape Girardeau and the Gulf to certain stages set out in later sections of the bill. It further allows this new commission to utilize in such work whatever has been heretofore performed by the Mississippi River Commission or any other agency for the control of floods or improvement of the river.

In section 1 there are in a general way the complete provisions of the bill, with the exception of the appropriation further on provided. In section 1 is outlined (1) the executive authority for the construction of the flood works, (2) the financial or economic policy to be pursued, and (3) the engineering features which the committee recommends. It must be borne in mind that whatever arguments are herein contained can be justified by reference to the printed record of the hearings and in the addenda which is attached to the report. A report of this character must of necessity be incomplete and the committee feels justified, after its prolonged investigation of the subject matter, not only in inviting attention to its report, but in requesting likewise a perusal of the record of the hearings, and especially the excerpts from the same contained in this report.

In a situation like this it is proper to place upon the President the responsibility for and to confer upon him the authority to construct the flood-control works in the lower valley designed to prevent these great periodical economic losses and interruptions to commerce and the business of the Nation. There is provided in the bill an agency through which the President is to accomplish the work, to which more detailed reference will be made further on in the report. No restrictions are placed upon the President in the free execution of the task and the legislation recommended contemplates that the Chief Executive shall finally be the judge of what is or is not to be done. In this respect the legislation follows closely the precedent and policy established by the Congress in providing for the construction of the Panama Canal.

The control of floods upon the lower Mississippi has been generally admitted to be a gigantic undertaking. If the Congress is to deal adequately and thoroughly with the problem, which holds a yearly threat to the lives and property of so many American citizens, it should authorize the President to do whatever is necessary to accomplish the end sought. The United States of America has expended hundreds of millions of dollars in the rehabilitation and rescue of foreign nations and has spared neither effort nor money in the thorough accomplishment of this work. In dealing with the lives and happiness of our own citizens the Congress should not do less than it would for others.

Section 2

This section of the bill provides that the flood-control works shall be constructed "without local contributions." The committee's reasons for this action are very fully set forth heretofore in Chapter III.

This section of the bill follows closely the act creating the Isthmian Canal Commission, the organization used in the planning of the construction of the Panama Canal.

The bill adopts no specific engineering plan, merely investing the commission with the authority necessary to do the work.

This is not only the wisest thing to do, but is the only thing that could be done in view of the evidence presented to the committee, different governmental agencies having proposed different engineering plans to do the same work.

There was a wide divergence between the plan submitted by the Chief of Engineers, General Jadwin, and that of the Mississippi River Commission, the duly authorized agency established by Congress to prepare flood-control plans. General Jadwin's plan also differed widely from the reports of the several subordinate boards established to investigate certain phases of the problem. The committee, therefore, had before it no well-defined and comprehensive plan upon which there was anything like unanimity of opinion. In fact, there was not a single outstanding engineer that would approve the Jadwin plan in its entirety, and scores of levee engineers with years of actual experience on the river refused to approve many of the engineering features suggested by General Jadwin and denounced it as impractical, unscientific, and surely doomed to failure.

Therefore the committee decided to give the President the authority, through a new commission to be appointed by him, to formulate plans for and then to construct a comprehensive and adequate system of flood control for the lower Mississippi Valley, utilizing the present levee system as a basis and employ-

ing such spillways, flood ways, storage basins, and reservoirs as, in their judgment, might be found necessary, in order to pass the flood waters safely from Cape Girardeau, Mo., to the Gulf of Mexico.

This commission will be able to take the several engineering plans which have been devised, study them, reconcile the differences, and finally adopt a matured and well-considered plan which will insure the desired result, the prevention of another such disaster as that of 1927.

It would be impossible for a committee of laymen to pass upon the merits of highly technical engineering features, such as are embodied in the Army engineers' plan. The new commission will be at liberty to adopt General Jadwin's plan in its entirety if it believes that the plan is sound and should be followed, or it may adopt certain features of General Jadwin's plan and certain features of the plan recommended by the Mississippi River Commission. The committee's reasons for not adopting the plan submitted by General Jadwin or the Mississippi River Commission are more fully set forth in Chapter IV.

It is proposed that the new commission consist of seven members, at least four of whom shall be experienced engineers. Further than this, their qualifications are not prescribed in the bill, under which the President is at liberty to appoint whom he chooses, selecting the personnel from the present Mississippi River Commission, the Corps of Engineers, or from civil life. For a project of the magnitude of this one, and considering its importance to the whole Nation, the commission should unquestionably be composed of outstanding engineers or business leaders who have demonstrated their ability to deal with a big problem in a big way. The Chief of Engineers of the Army would be eligible for appointment to the new commission, and his services ought to be of great assistance to it, either as an active member of the commission or in an advisory capacity.

The commissioners are to devote their entire time to the duties of the commission, and they are to receive such compensation as the President may determine, until it is otherwise fixed by Congress.

The salaries to be paid the members of the commission should be sufficiently large to attract the best, most experienced, and capable engineers and business men in the country.

One of the handicaps under which the Mississippi River Commission has labored in the past, as brought out in the testimony before the committee, is that its members have been charged with so many duties it has been impossible for them to give the time and attention to the work of the commission which it should have received. This is particularly true with reference to the three Army engineer officers, Colonel Potter, Colonel Schulz, and Colonel Kutz. Each of these officers is now a division engineer of the United States Army in charge of a great many different projects and burdened with a myriad of details. It is physically impossible for them to devote any great portion of their time to the problem of the Mississippi.

Another handicap to the smooth and efficient working of the commission has been that under the present law an Army engineer officer is allowed to serve only four years on one assignment. This has caused a constant changing in the personnel of the commission, which has interfered with the carrying out of their plans and projects. To remedy this condition, the bill provides in this section that the members of the commission shall serve until the project is completed, unless sooner removed by the President. In this way a commission will be provided which will be able to carry on the work without unnecessary changes in personnel, and the experience gained by the members in the progress of the work will not be lost through the appointment of new and inexperienced members every few years.

The President, of course, under the language of this section is given the right, in his discretion, to remove any of the commissioners from office at any time, either with or without cause.

The President is also given the authority to employ, in connection with the project, any of the engineers of the Army, any engineers from civil life, and any other persons necessary for the proper and expeditious prosecution of the work. Following the precedent established by the Panama Canal Commission, it is very probable that the Mississippi Valley Flood Control Commission would deem it advantageous to appoint a chief engineer who would have entire charge and direction of the project, and to whom all the subordinate employees would be responsible. This would give the "one-man" control which was advocated by several witnesses who testified before the committee, and would enable the work to be carried on under one directing head, acting, of course, under the general supervision of the commission.

The compensation of the employees of the commission is to be fixed by it, subject to the approval of the President, and the official salary of any Army officer appointed or employed in connection with the project is to be deducted from the salary or compensation which shall be fixed under the terms of the present bill.

The Mississippi Valley Flood Control Commission shall be under the direction and control of the President, and is required to report to him each year, or at such other periods as he may fix, covering all of its official actions, its receipts, and expenditures. The President shall transmit the reports of the commission to Congress, and the commission is further directed to render to Congress, or to either House of Congress, such reports as may be required from time to time by act of Congress, or order of either House or the appropriate committee of either. By this means the President and Congress will be able to keep in close touch with the commission and its work, to enact such additional legislation as may from time to time be found necessary, and keep a close check on the progress made on the project.

The President is directed to have suitable offices provided for the use of the commission, together with such equipment as may be necessary and proper for the discharge of its duties. The location of the headquarters of the commission is not named in the bill, and this is left to the best judgment and discretion of the President. He may deem it advisable to have the commission located at some point on the Mississippi River, or it may be thought more advantageous to have its headquarters in Washington, where close contact could be maintained with the several Government departments. No restriction should be placed on the President in this connection.

The commission is directed to keep a true and correct record of its proceedings. Members of the Mississippi River Commission testified that a great deal of its business has been transacted orally, with no written record kept for future reference. This has made it very difficult to get an accurate estimate of the status of the commission's work on the various parts of the river. A complete, detailed, and accurate written record should be kept of all the business and transactions of the commission in order that correct and comprehensive reports may be made by it to the President and to Congress.

The commission is authorized to make such rules and regulations as may be necessary for the orderly conduct of its duties, subject to the approval of the President. This authority will enable the commission to determine its procedure with reference to the various subjects under its jurisdiction, and to promulgate rules for the information and guidance of all concerned. The commission should have the general authority to determine its procedure without having to secure new legislation covering the matters.

Section 3

The Mississippi Valley Flood Control Commission is directed upon completion of the project authorized in the bill to turn over to the Chief of Engineers of the Army all of its records, property, and equipment. The commission is created in order to carry out and complete this one project of flood control on the lower Mississippi River, and therefore the bill directs that when the project is completed, the commission shall be dissolved and the work shall revert to the Corps of Engineers of the Army.

Section 4

The jurisdiction of the new commission shall be the same as that now exercised by the present Mississippi River Commission, viz, from Rock Island, Ill., to the Head of Passes, on the main channel of the Mississippi River, and on the tributaries of the river so far as they are affected by the flood waters of the river. The new commission is directed to take over and complete all flood-control and river-improvement work now under the jurisdiction of the Mississippi River Commission.

Section 5

The Mississippi River Commission is directed to turn over to the Mississippi Valley Flood Control Commission all of its records, property, and equipment. During the 50 years that the Mississippi River Commission has been in charge of work on the river it has, of course, accumulated much valuable data and information which will be of great assistance to the new commission in carrying on the flood-control project. These records will be immediately available, and from them the new commission will be able to determine the type of flood-control works needed, and begin their construction without unnecessary delay.

All of the records and data in the possession of the Chief of Engineers are to be made available to the commission when their use is necessary in connection with the flood-control project, and, similarly, all records and data in possession of the

commission are to be made available to the Chief of Engineers when necessary for his use in connection with any flood-control work under his direction. In this way, with the interchange of information, a duplication of work will be avoided and each agency having to do with any flood-control work will be able to utilize the results of research and investigations made by the other.

The commission when appointed will have access to all the studies and surveys which have been made by the Corps of Engineers, and should be able quickly to determine upon the character of flood-control works which should be prosecuted. It will not, therefore, be necessary for a new survey or examination to be made by the commission, and its appointment will not cause any material delay in starting the construction of the flood-control works. A commission including competent and skilled engineers should be able to take the reports of the Chief of Engineers, the Mississippi River Commission, and the various subordinate boards, and in a short time work out a definite project.

It is the purpose of this section of the bill to place in the hands of the new commission all available reports, records, and data which will be of any assistance to it in formulating its project.

Section 6

This section abolishes the Mississippi River Commission after the new commission is appointed and organized. It is thought very likely, however, that the President may see fit to utilize the membership of the Mississippi River Commission in connection with the project authorized by the bill, either as members of the new commission or in other capacities. The experience which they have gained, some of them from a long and intimate connection with the problems of the Mississippi River, should make their assistance very useful in connection with carrying out the project. Three of the present members of the Mississippi River Commission are Army officers, and, of course, under the provisions of the bill the President is authorized to employ them in connection with this work.

Section 7

The Mississippi Valley Flood Control Commission is given exclusive control of the location, construction, and maintenance of all flood-control works. One of the elemental weaknesses of the present system has been the divided responsibility. So long as this condition is permitted to continue, no adequate flood protection will ever be afforded. The testimony of the witnesses, who have appeared before the committee, has been unanimous to the effect that only by having one responsible agency in charge of locating, constructing, and maintaining all flood-control works can a comprehensive and coherent system of flood protection be secured. At present, the local levee districts and the Federal Government share in this responsibility, and the result has been an uncompleted system of levees which have resulted in the disasters of the past. The Federal Government has entire charge and control of the river for all purposes of navigation, and should unquestionably have similar authority for flood control.

The commission is directed to make such investigations, studies, and surveys as may be necessary in connection with the project placed under its jurisdiction, and also to employ such assistants as may be necessary and fix their compensation. Certain surveys and studies will probably be necessary from time to time as the work contemplated in the project proceeds, and it is felt that the commission should have full authority to undertake them as it sees fit without further action by Congress. It should also have authority to engage its assistants and to determine their salaries.

Section 8

The President is directed, through the Mississippi Valley flood control commission, to proceed at once to construct and complete the flood-control works and river-improvement works contemplated in the present project, and also those which have been heretofore authorized by existing law. This authorization includes the right to have the works constructed either by hired labor or otherwise, which empowers the commission to enter into contracts for their construction, in its discretion.

The commission is authorized to acquire, in the name of the United States, any equipment or property which may be necessary to complete the project, and also to acquire any or all real estate, including rights of way, flowage rights, or flood ways, or other property or rights or such interest therein or uses thereof as may be necessary.

The committee feels that the commission charged with the execution of the project should be given the unlimited right, in its judgment, to acquire whatever property or equipment may be required in order to carry out the project, and should not be hampered in any way in the procurement of the same.

Section 9

The commission is authorized to acquire, in the name of the United States, any and all real property or interests therein as in its judgment is necessary to complete the project. Three ways in which this property may be secured are given, as follows:

First. By purchase, whenever the property or interests may be obtained at a price deemed by the commission to be reasonable.

Second. By donation.

Third. By condemnation proceedings.

Section 10

The commission is authorized to repay to any State or subdivision or agency thereof, or any levee district, individual, partnership, corporation, or company, the amount expended by same for any property or interest acquired by them for the purpose of conveying it to the United States, provided this amount does not exceed the fair market value of the property, and, in the opinion of the commission, is reasonable.

This provision will enable local levee districts, or the other classes enumerated, to secure real estate which may be necessary for the prosecution of the flood-control works, and to sell it to the United States. In many instances the local levee districts, being the ones most closely in touch with the situation, will be able to secure the necessary land or other property at a price far below that which the Government itself might have to pay. It is believed by the committee that the levee districts, being primarily interested in securing flood protection, will be glad to assist in the pursuance of the work to this extent.

Section 11

In order that no necessary work may be delayed while awaiting judicial proceedings, the commission is given full power to enter upon any land and to acquire, condemn, occupy, possess, and use it when needed for the location, construction, operation, or maintenance of flood-control works.

Section 12

This section outlines the procedure which shall be followed in acquiring the necessary property by condemnation proceedings, and has been very carefully drawn after consultation with a representative of the Department of Justice. The condemnation proceedings are to be under the direction of the Attorney General and are to be conducted in the appropriate district court of the United States.

In order to ascertain the compensation which should be paid to the owner of the property the court is directed to appoint three commissioners who shall be competent and disinterested appraisers. In this provision the bill follows the provisions of the act with reference to acquiring the land for the Algiers Naval Station at New Orleans. The appraisers are to be sworn to the faithful performance of their duty and are directed to view the property and hear the evidence which either the United States or the property owner may offer, under such rules as the court may prescribe. The appraisers, or a majority of them, then sign and file in the court a report fixing the value of the property or right sought to be acquired. Either party is given the right, within 10 days after the filing of the report, to file objections or exceptions thereto. The court then considers the report and objections and either confirms or modifies the same or makes such other appropriate order as it shall deem proper. At the conclusion of the proceeding the court shall enter an order fixing the amount which shall be paid to the owner of the property as just compensation for its taking. This order shall be final and binding upon both parties.

The Mississippi Valley flood control commission is given the right to take immediate possession of any property when exceptions or objections to the report of the commissioners are filed by the property owner, and to proceed with the flood-control work authorized by the present bill, provided that the court shall be satisfied that certain and adequate provisions shall have been made for the payment of just compensation to the property owner by previous appropriations made by the United States.

The bill directs that all condemnation proceedings shall be diligently undertaken on the part of the United States in order that just compensation may be promptly ascertained and paid.

All condemnation proceedings authorized under this bill are to be in accordance with the general law governing the condemnation of land, except as modified or changed by the bill.

Section 13

The commission is directed to proceed at once with the work contemplated in the present project, which shall also include the enlarging, raising, strengthening, reinforcing, relocating, and reconstructing of the existing levees as may be necessary

to control the destructive flood waters of the Mississippi River and its tributaries and outlets in so far as the said tributaries and outlets are affected by the flood waters of the Mississippi River.

The commission is directed to proceed at once with the work contemplated in the present project, which shall also include the enlarging, raising, strengthening, reinforcing, relocating, and reconstructing of the existing levees as may be necessary to control the destructive flood waters of the Mississippi River and its tributaries and outlets in so far as the said tributaries and outlets are affected by the flood waters of the Mississippi River.

This provision takes in the tributaries of the Mississippi to the extent of the present jurisdiction of the Mississippi River Commission, and gives the commission full power and authority to do whatever is necessary to have the levees brought up to the height and size which will make them effective for the purpose of protection against the floods.

Section 14

In addition to the system of levees at present existing, the commission is directed to prepare such plans for flood control and to construct such additional levees as may be necessary to control the destructive flood waters. The commission is also given full power and authority to construct spillways, flood ways, diversion channels, storage basins, or reservoirs, in order that the flood waters of the Mississippi River shall be confined, controlled, regulated, and carried safely through the flood-control works which are to be built between Cape Girardeau, Mo., and the Gulf of Mexico.

The flood-control works shall be of such type and capacity that sufficient of the flood waters shall be diverted from the main channel of the river so that the flood crest shall not hereafter exceed the following stages on the gauges listed: 19 feet on the Carrollton gauge at New Orleans, La.; 58 feet on the gauge at Arkansas City, Ark.; 54 feet on the gauge at Cairo, Ill.

HOW GAUGE HEIGHTS WERE FIXED

The Jadwin report and the Mississippi River Commission report state that the "levees only" policy is abandoned and that the future necessity is to keep flood heights down to safe heights by use of spillways and diversion channels. Under the Jadwin plan with such small amount of freeboard in order that the levees may be kept from breaking, gauge heights are fixed in the bill at three cardinal points which, according to General Jadwin's testimony (p. 3680), are sufficient on which to base operation of discharges. Under the Jadwin plan the water at Cairo is to be discharged into the flood way when the water reaches 55 feet, in the bill it is directed to be discharged when the crest reaches 54 feet; at Arkansas City under the Jadwin plan discharges into the Boeuf Basin flood way at 60.5 feet, in the bill at 58 feet; at New Orleans the Jadwin plan discharges the flood at 20 feet, in the bill at 19 feet. Where such a great calamity might ensue the committee decided no unnecessary chances should be taken so it fixed the flood crests as indicated, which are reasonable in view of the last flood.

JADWIN PLAN

Water begins to spill over the levee into the Bird Point-New Madrid flood way at elevation of 55 on the Cairo gauge. (Par. 125, Jadwin report.)

Water begins to go over the top of the fuse-plug levee into the Boeuf flood way at elevation 60.5 on the Arkansas City gauge. (Par. 117, Jadwin report.)

Over the fuse-plug levee at the head of the Atchafalaya flood way at elevation 57.5 on the Angola gauge. (Pars. 101 and 109, Jadwin report.)

Crest of the Bonnet Carre spillway placed at 20 feet above mean Gulf level equivalent to about 15 on the Carrollton gauge, but not to be opened unless the Carrollton gauge will go above a stage of 20 feet. (Par. 115, Jadwin report.)

MISSISSIPPI RIVER COMMISSION PLAN

The Mississippi River Commission provides for no diversion between Cape Girardeau and the mouth of the Arkansas.

Provides 600,000 cubic feet per second diversion through the Boeuf diversion, which will begin discharging as soon as the water reaches the elevation of the spillway crest, or 54.4 on the Arkansas City gauge. Expected to control the height of water at Arkansas City to 66.4, which without spillway would go to a stage of 74.5. (Par. 244, Mississippi River Commission report.)

Mississippi River Commission plans to let 980,000 cubic feet per second into the Atchafalaya flood way by the removal of the levees at the head of the flood way (par. 48, spillway board report), presumably to the elevation of the ground surface, which is equivalent to 47.5 feet on the Angola gauge. (This elevation not given in either report, but is taken from maps.) The diversion is expected to hold the gauge

at Angola to 60, which otherwise would go to 65.5. (Spillway board report, par. 77.)

Section 15

In order that Congress may be in possession of all the facts necessary in order to determine any adjustment to be made in the future in the proportion of the cost of the flood-control works to be borne by the United States the commission is directed to have an economic survey made of the area involved in this project, and to report its findings to the President, who shall transmit them to Congress.

It is the belief of the committee that this survey will disclose that there will be no increase in the value of the lands in the Mississippi Valley because of the added protection which may be afforded by the flood-control works, and that it will show the people in the lower valley are wholly unable to bear any additional burdens. The commencement of the work, however, should not be delayed until this survey is completed, but should be promptly begun and vigorously prosecuted. If the survey should reveal that there should be some different apportionment of the cost of the work, it can be done by future legislation.

Section 16

It is conceded by all that every drop of water which falls in the Mississippi Basin should be taken into consideration in devising a comprehensive and adequate system of flood control for the lower Mississippi River. The testimony before the committee shows that there never has been a complete survey of all that vast territory which stretches from the Allegheny to the Rocky Mountains. Before it can be said that the study of the problem is complete there must be a survey of all the streams tributary to the Mississippi, which are the contributing factor to the floods on that river.

The rivers and harbors act approved January 21, 1927, authorized surveys of practically every river in the United States, including those in the Mississippi Basin, where power development seemed feasible, the surveys, however, to include also the question of flood control. This section of the present bill, therefore, contains no new authorization, but merely directs that the surveys should consider flood control as a major problem and not incidentally to that of power development.

The President is authorized to utilize whatever agency he sees fit for this survey, either the Mississippi Valley Flood Control Commission, the Chief of Engineers, or any other agency. The investigation is directed to be made at once and is to include all watersheds within the Mississippi Basin producing floods destructive to life and property or which obstruct interstate commerce and cause interruption of the United States mails. The agency making the survey is directed to utilize in its studies all available data, reports, and surveys, including those authorized by the act of January 21, 1927, referred to above.

Reports of the studies are to be transmitted to Congress as soon as practicable, and where those of particular rivers or areas are completed they are to be submitted from time to time as ready without waiting until the survey of the whole area is finished.

As these reports are received and studied, Congress will be enabled to adopt plans for the control of the destructive flood waters in the Mississippi Valley, in addition to the project authorized in this bill, if it should be deemed necessary or advisable.

The reports of the studies and investigations shall contain the following information and data:

First. The extent and character of the area to be affected by the proposed movement.

Second. The probable effect upon any navigable water or waterways.

Third. The possible economical development and utilization of water power.

Fourth. Such other uses as may be properly related to or coordinated with the project.

Fifth. What Federal interests, if any, is involved in the proposed improvement.

Sixth. What share of the expense, if any, should be borne by the United States.

Seventh. The advisability of adopting the project.

This is the same provision which is contained in the present flood control act with reference to reports submitted on surveys authorized in accordance with that act.

Section 17

Many students of the flood-control problem have for years maintained that the ideal system of flood control is the building of reservoirs at the headwaters of the tributaries of the Mississippi, storing the flood waters at their source, and thereby preventing them from entering the main channel below and

filling it to overflowing. The committee received a great deal of testimony with reference to this theory, particularly with regard to the possibility of the economical utilization of the waters of the Missouri River and the other streams in that vast strip of country lying west of the Mississippi and north of the Arkansas. The committee feels that no adequate study has ever been made of this phase of the subject and that it should receive further and more extended consideration.

The bill, therefore, in this section provides for the investigation of the reservoir system of flood control by the Mississippi Valley Flood Control Commission, or other agencies, in the President's discretion, which are authorized, so far as they reasonably can, to invite the helpful aid of State engineers, university and technical men, and State officials.

The studies shall include such questions as the following:

First. The effect on the subject of flood control in the lower Mississippi River to be attained through the control of flood waters in the drainage basin of its tributaries by the establishment of a reservoir system.

Second. The benefits which may accrue to navigation, agriculture, and power from the prevention of erosion and siltage entering the streams.

Third. A determination of the capacities of the soils of the district to receive and hold waters from such reservoirs.

Fourth. Kindred questions.

Fifth. What additional benefits may accrue from such reservoir system.

Sixth. The prospective income from the disposal of such waters, including both agriculture and power.

Seventh. The return-flow value of waters placed in the soils from reservoirs.

Eighth. Their stabilizing effect on stream flow as a means of preventing erosion and silting, and of improving navigation conditions.

Ninth. To what extent reservoir waters may be available for the municipal and domestic uses and to what extent reimbursive.

Tenth. The approximate cost of each proposed reservoir and its capacity.

Eleventh. Specific reasons for acceptance or rejection of any proposed reservoir site.

The commission, or other agency which may be charged with the work, is directed, as soon as the studies of the reservoirs are completed and approved, either singly or in groups, to submit a report thereon to the President, together with definite estimates of cost, working data, and all related findings and conclusions.

If the President reaches the conclusion that the construction of any of the reservoirs reported on would have a substantial and beneficial influence in controlling the floods on the navigable waterways of the lower Mississippi Valley and is economically justifiable, he is authorized to issue an order directing the commission, or other agency, to proceed with their construction as soon as appropriations are available for the purpose. The commission may have the reservoirs constructed under its own supervision or may let contracts therefor.

These provisions of the bill will provide for the adoption of the reservoir system of flood control, so strenuously advocated by close students of the subject for many years, if the results of the studies directed to be made should disclose that its adoption is economically feasible.

The Secretary of the Interior is given the authority, upon the completion of any reservoir, to dispose of the impounded waters under rules which he may make and which shall be approved by the President. This would permit the use of the waters in the reservoirs for purposes of irrigation or power, and the revenue to be derived thereby would largely offset the cost of their construction.

The Secretary of the Interior is given the further power to enter into negotiations for the purpose of selling the reservoirs themselves, but he is directed to retain at all times authority to direct the impounding and the emptying of the waters, so that their use for purposes of flood control may never be interfered with injuriously. Only tentative agreements for the sale of the reservoirs may be entered into by the Secretary, the approval of Congress being required to be given by law before final sale is made.

The committee's reasons for the inclusion of this section of the bill are more fully set forth in Chapter VIII.

Section 18

In order that all the resources of the Government may be utilized in carrying out the project for the control of the floods on the lower Mississippi River, the President and the Missis-

issippi Valley Flood Control Commission are authorized to utilize the engineering, scientific, and constructive services of the bureaus, boards, and commissions of the Government departments, and also the commissions created by Congress that relate to the study, development, or control of rivers and subjects related thereto.

This will permit the coordination of all activities of the various Government departments, will prevent overlapping and duplication of effort, and will insure the best and most economical administration in connection with this vast project.

Section 19

An appropriation of \$473,000,000 is authorized to carry out the project. This figure was arrived at by the committee after considering very carefully the estimates of the Mississippi River Commission and General Jadwin, and includes those items which the committee deems essential for the prompt and speedy execution of the project. The items indicated below are those which the committee believes should be undertaken at the earliest possible moment, and the figures given are taken from the reports of General Jadwin and the Mississippi River Commission, as indicated, except certain new items added by the committee as shown:

Items included in appropriation

Bonnet Carre spillway (M. R. C., par. 397)	\$11,500,000	
Athafalaya flood way (M. R. C., par. 397)	52,500,000	
Cypress Creek diversion (M. R. C., par. 397)	107,000,000	
Birds Point-New Madrid river-bank flood way (new; levees included in item \$53,900,000):		
Rights of way and damage (in Missouri)	\$18,500,000	
Control works on flood way—		
Entrance (controlled inlet)	\$9,000,000	
Discharge (controlled outlet)	5,000,000	
	14,000,000	32,500,000
Main river levees (Jadwin, par. 137):		
Below Old River	18,700,000	
Red to Arkansas	59,300,000	
Arkansas to Cape Girardeau	53,900,000	131,900,000
Main river levees (new):		
Additional levee work to compensate partially for less diversion than is provided for in plan of Army engineers at Cypress Creek		28,100,000
Main river levees (M. R. C., par. 390):		
From Cape Girardeau to Rock Island, Ill.		10,500,000
Tributaries' levees (M. R. C., par. 390):		
Northern district	\$22,500,000	
First and second districts	10,500,000	
Third district	19,000,000	
Fourth district	21,000,000	
		73,000,000
Mapping (Jadwin, par. 137)		1,000,000
Reservoirs, reforestation, erosion, surveys, and investigations (new)		25,000,000
Total		473,000,000

If this appropriation should be considered by the President to be too large for the condition of the Treasury to warrant at this time, he is authorized, if he deems it advisable, to direct the Secretary of the Treasury to issue bonds to raise the money, acting under the authority of the various Liberty bond acts.

WHY LOCAL CONTRIBUTION WAS ABANDONED

1. To avoid divided responsibility which resulted in weak levees.
2. Impossibility of getting contributions from local interests, as shown by local economic survey.
3. Impossibility of enforcement in times of disaster.
4. United States should have exclusive control to render flood-control system effective.
5. Levee districts are interdependent.
6. Levee tax systems in States in lower Mississippi Valley.

The committee is of the opinion that the "local contribution" policy of the Government should be abandoned and believes that to make the construction of flood-control works dependent upon local contribution will result in the failure of the whole plan and another disaster such as that which appalled the Nation last year might happen. Divided responsibility resulting from the local contribution policy has been the primary cause for the failure of the protective works, and permitted weak levees, which, when they failed, not only flooded their own districts but also brought disasters to the neighboring districts and neighboring States.

A system which permits local interests to build or not to build adequate levees is doomed from the beginning, and there is no way under the law to compel a district to build flood-control works or force the collection of any assessment for the same.

Under the present law, and similar proposed laws, money for flood-control works must come from the levee districts along the

Mississippi River. These levee districts, while authorized by State law, are in no way connected with the State. They get no State funds and they are not permitted to use the credit of the State. Every property in each levee district only pays the amount assessed in legal proceedings, and, of course, it can never amount to more than the certain per cent of the increased value produced by the levee works, but the assessments must be uniform and equal.

If property is already burdened with levee bond issues and is not producing enough to pay past due assessments, there is little hope that they will be able to pay for future assessments, and then, of course, there will be no flood protection if that is made dependent upon local contribution.

There are some who say that there are rich landowners and rich corporations in some of these levee districts that should come to the rescue and put up the money. This might be the case if the United States Government was a besieging enemy sending word that unless a certain amount of money is forthcoming the city will be destroyed. The day has not yet come in America when we are going to demand tribute for saving the life and property in a community or levy an assessment upon a man to save him from drowning.

The raising of this "local contribution" is not to be likened to taking up a collection for a charitable enterprise, which rich men are expected to make large donations to and poor people small ones, but they must be handled in a legal manner.

The advocates of local contribution fail to take into consideration that the damages are caused by agencies outside of the levee districts or States, and that the damage is not caused by any act or negligence of those suffering from the damage. Under every theory of American law the source of damage and the responsibility therefor is the main factor and the penalty is laid against the party or parties causing the damage.

However, under the local contribution theory, these people that are damaged not only suffer the injury, but also have the additional penalty laid upon them of having to pay the money necessary to prevent the damage from the outside source. The advocates of local contribution practically pay no attention to the "regions from which the flood waters come" and without this, of course, there can be no fair solution of the problem.

Taking into consideration the amount of money already invested by the United States in the levees, the absolute necessity of levees in navigation, the direct taxes that will flow into the United States Treasury on account of the resumption of normal activities, the prevention of interference with interstate commerce and the delay of the United States mails, the amount of money already contributed by local interests amounting to \$292,000,000, the United States can ill afford to do anything else than supply the funds for flood-control works.

A mere reading of the statements of the conditions of the levee districts and the necessity of having a unified, comprehensive system of flood control under one authority, as hereinafter set forth, is sufficient to convince anyone that the position of the committee is justified.

The testimony showed that the local interests have not been able in the past to supply the money necessary to bring the levees up to the 1914 standard grade, and after the flood of 1927 their financial condition is so bad that there is no hope that they will be able to raise any money to apply toward the payment of the costs of the new flood-control works necessary.

1. TO AVOID DIVIDED RESPONSIBILITY WHICH RESULTED IN WEAK LEVEES LOCAL CONTRIBUTION IS RESPONSIBLE FOR FAILURE OF PRESENT LEVEE SYSTEM

Colonel Potter testifies that some levee breaks resulted from the inability of local districts to pay a share of the expense of levee construction:

Colonel Potter on local contributions
(P. 2240)

The CHAIRMAN. Did each one of them have a crevasse?

Colonel POTTER. I really do not know as to two crevasses. I do not know whether they were both in one district or one in each district, but the two districts are there together, and I never thought to look to see which district the crevasse was in.

The CHAIRMAN. Did they ask you for money that you could not supply?

Colonel POTTER. No, sir; we gave them money which they could not meet.

The CHAIRMAN. And consequently the work is not done?

Colonel POTTER. Consequently the work is not done; no, sir.

Commissioner West shares the opinion of Colonel Potter that it would be almost impossible to get contributions from the districts below Helena, Ark.:

(P. 3054)

The CHAIRMAN. Now, will you tell the committee; can you conceive of a community in any one of the levee districts being reconciled to permitting a crevasse-breached levee to remain unconstructed, if that particular community or district had the necessary funds available for the reconstruction of that levee?

Mr. WEST. Oh, unquestionably they would make every effort to close the crevasses.

The CHAIRMAN. And if they could raise the funds they would do so, would they not?

Mr. WEST. They certainly would.

The CHAIRMAN. They certainly would not permit the crevasse to stay there?

Mr. WEST. No.

The CHAIRMAN. If they could possibly raise the money.

Mr. WEST. Oh, no; it is inconceivable that they would do a thing of that kind.

The CHAIRMAN. All right. Now, in the testimony given by Colonel Potter with reference to expenditures—or rather with reference to the expenditure of the coming allotment of \$10,000,000 provided by the flood control act, which money will become available this winter—he stated that it would be almost impossible to get the necessary contributions from the districts below Helena and he doubted if this contribution could be gotten from any except a very few districts below Cairo. Is this opinion of Colonel Potter shared by the rest of the members of the Mississippi River Commission, including yourself?

Mr. WEST. It is by me. Of course, I can not speak for the other members.

Any plan which is constructed around the idea that local interests must contribute, even if financially unable to do so, is, in the opinion of Commissioner West, "a paper plan" only, doomed to certain failure:

Mr. West on local contributions
(P. 3069)

Mr. COX. There are districts which you know have been unable to cooperate to the extent of making their contribution?

Mr. WEST. Yes; many times.

Mr. COX. And that has resulted in your being unable to execute your plan, has it not?

Mr. WEST. It has.

Mr. COX. Measures dictated by your judgment, or by the judgment of the commission, you have not been able to put into effect, because of that inability to cooperate?

Mr. WEST. Quite frequently that has occurred; yes, sir.

Mr. COX. Yes. If they have been unable to contribute in the past, it is fair to assume that now, even now they are unable to contribute, is it not?

Mr. WEST. Far less able now than in the past; yes, sir.

Mr. COX. Yes. And to enforce a provision of that kind would, in effect, be penalizing their poverty, would it not?

Mr. WEST. Well, if what we are told by many of the representatives of the various basins, who are the best informed, is true, it would be impossible.

Mr. COX. It would be impossible?

Mr. WEST. Yes.

Mr. COX. And the condition that had existed in the past would continue hereafter, if that was a provision of the law, would it?

Mr. WEST. Well, if you made that a provision of the law and these people are at all honest—and I believe that they are absolutely honest—you would simply have a paper plan; you would never have that plan transferred to the ground.

Mr. COX. Well, in the interest, then, of control, no such provision should be incorporated into the law; should it?

Mr. WEST. No—

Mr. COX. Is that not true?

Mr. WEST. Not if you are in earnest about carrying the provision into execution.

And according to Mr. West, the system requiring local contributions has made an unequal partnership with "too many small partners of varying strength and disposition" and has now caused a delay of three years in the execution of work under way:

(P. 3068)

Mr. COX. Assuming that the Congress would have granted or would have appropriated all of the money that the commission might have needed, do you not agree that the weakness in the law under which we have been operating has been the provision requiring local contribution?

Mr. WEST. Yes, sir. Otherwise, the plans that are three years short of completion under the present law, if money had been placed in the hands of the commission, could have been completed.

Mr. Cox. Then that provision is the vice of the law, is it?

Mr. West. Sir?

Mr. Cox. That is the weakness in the law, is it not?

Mr. West. Yes; too many small partners of varying strength and disposition, to cooperate with the main controlling partner.

2. IMPOSSIBILITY OF GETTING CONTRIBUTIONS FROM LOCAL INTERESTS, AS SHOWN BY LOCAL ECONOMIC SURVEY

INABILITY OF LEVEE DISTRICTS TO CONTRIBUTE FURTHER

The testimony given in the hearings established the fact that those districts in which the greatest damage was done, and in which the people are most in need of aid, are the districts in which the people are least able to contribute to the cost of flood control. The sparsely settled agricultural districts, given over to plantations where cotton and cane are the principal products, were so overwhelmingly ruined that years will be required for their rehabilitation.

In some of those districts the bonded public debt, representing previous local expenditures for flood control, runs as high as three-fourths of the assessed valuation of the districts; and in other districts it will be found that the total liens and liabilities against the property of the districts, including the bonded public debt, and real estate mortgages against private property, exceed the total valuation of the property of the district available for assessment for taxes or benefits.

Many public officials testified that their districts have reached the limits of bonding and taxation under present laws, and that it will be absolutely impossible for them to participate in any plan for flood control which contemplates that they shall bear any part of the financial burden. They have the spirit and the courage to put themselves in to the extent of their ability, to fight the elements in order to win back their homes, but of goods, wares, and merchandise they have none, having reached the point where individual credit and public credit are alike ruined.

Not only did the mighty flood sweep away their homes, their cattle, and their tools and implements, but the water remained on the ground for so long a time thereafter that there was no opportunity for them to plant crops during the year. Under these depressing circumstances, it is no wonder that districts defaulted in the payment of interest on their outstanding bonds, the records of which will be found in the hearings, and that individuals could not meet the payments of principal and interest provided for in their mortgages.

This situation involved the merchants of these districts and also the local banks upon which the planters and merchants rely for financing from one season until the next. Every bank in one of the counties in Arkansas had failed as a result of the dreadful conditions brought about by the flood and the consequent failure of crops. How can it be expected that these people, without money and without credit, shall contribute to the great expense of establishing additional flood control?

Aside from the economic survey made through officials in the levee districts, hereinafter shown, the committee also received communications from mayors of cities, public officials, bankers, merchants, and scores of people generally throughout the districts affected, all testifying to the fact that the people in those districts have been bled white by taxation to provide the \$292,000,000 already expended by the taxpayers in the lower valley on levees for flood control. They submit that these expenditures have reduced them in many districts to a condition of insolvency. They say they have exhausted their credit, both public and private, and ask if they may be relieved from any further burden at this time in protecting them from the floods which periodically descend upon them. The details of their unfortunate situation appear in the communications which follow hereafter.

The statements following show the financial status of each district; the extent of the damage it suffered from the record flood of 1927; the ability of each district to produce crops, and thereby contribute to its own rehabilitation; and a consideration of the question of how much, if anything, could be contributed by each district toward the cost of adequate protection. Nobody questions the veracity or integrity of the officials making these reports.

FACTS SHOWING LEVEE DISTRICTS ARE UNABLE TO CONTRIBUTE ANYTHING FURTHER TO FLOOD-CONTROL WORKS

A questionnaire was sent to each levee district on the Mississippi River by the chairman of the Flood Control Committee. Subsequently information as to the general conditions of the people in the levee districts was requested from officials and business men.

The following replies to the questionnaire and letter were received.

The losses set out below do not include any estimate of losses arising from suspension of business activities nor do they include sums spent by the various States and political subdivisions thereof on attempted protection work. Losses of railroad, telegraph, and telephone companies are not included.

The page numbers listed below refer to the detailed statements concerning the levee districts which appear at the end of this chapter:

Scott County levee district, Missouri: The public bonds and real-estate mortgages equal to more than three-fourths of total assessed valuation. Unable to pay interest on public debt this year. Only half the farmers can raise money to plant 1928 crops. Unable to raise funds to contribute (p. 36).

Levee district No. 3 of Mississippi County, Mo.: The public bonds and real-estate mortgages equal to about four-fifths of total assessed valuation. District's sinking fund wiped out by bank failures resulting from 1927 flood. Jadwin plan would wreck the district both physically and financially (p. 37).

St. John levee and drainage district, Missouri: Outstanding public bonds and real-estate mortgages aggregate about \$13,482,038; assessed valuation, \$8,647,674. Tax delinquencies greatest in history. Schools forced to curtail terms. District defaulted payment on bonds and interest for 1927. If flood control depends upon local contribution, then can hope for no protection because can not pay (p. 37).

St. Francis levee district, Missouri: Outstanding public bonds and real-estate mortgages, \$22,329,700; assessed valuation, \$18,000,000; flood losses in 1927, \$3,414,775. Can not market additional public bonds. Farmers unable to borrow any more. Burden of taxes to combat flood run from \$2.50 to \$3 per acre. Could not stand further assessment for flood control (p. 38).

St. Francis levee district, Arkansas: One hundred and sixty-five miles of levee. Outstanding public bonds and real-estate mortgages, \$53,686,000; assessed valuation, \$40,000,000. Suffered heavily from floods. Flood losses, 1927, \$8,349,684. Red Cross helped many. Revenues insufficient to pay interest or sinking fund reserve on public debt. Can not float any more bonds (p. 39).

Helena improvement district, Arkansas: This is a metropolitan district, solvent, and otherwise in good condition (p. 39).

Cotton Belt levee district, Arkansas: Outstanding public bonds and real-estate mortgages, \$5,365,913; assessed valuation, \$2,436,862. Can not raise additional funds for flood control because legal limit of bonds has been reached. Red Cross still feeding thousands (p. 39).

Laconia levee district, No. 1, Arkansas: Outstanding public bonds and real-estate mortgages, \$565,000; assessed valuation, \$320,000. Flooded early in 1927, due directly to inability to finance flood-control works. Further taxation equivalent to confiscation. Practically whole population supported by Red Cross. "Dazed and bewildered" inhabitants will abandon the district unless Government takes over the expense of flood control (p. 40).

Laconia drainage and levee district, Arkansas: Outstanding public bonds and real-estate mortgages, \$2,437,075; assessed valuation, \$942,459. District has reached the limit of its resources and can not contribute further (p. 41).

Southeast Arkansas levee district, Arkansas: One hundred and forty-seven miles of levee. Outstanding public bonds and real-estate mortgages, \$13,571,657; assessed valuation, \$12,500,000; 1927 flood losses, \$7,211,905. No more bonds can be sold, and income not sufficient to pay current indebtedness. Public bonds represent money spent for protection against floods. Unless Government assumes further burden for flood control district can not pay out. Most of inhabitants fed by the Red Cross (p. 41).

Fifth Louisiana levee district, Louisiana: Two hundred and forty-six miles of levees. Outstanding public bonds and real-estate mortgages, \$18,543,986; assessed valuation, \$37,141,433. Revenues for next two years pledged. Flood control requiring contribution will not help because resources are pledged, limit of bonded debt reached, and people staggering under taxes and debts (p. 41).

Atchafalaya Basin levee district, Louisiana: Two hundred and seventy miles of levees. Outstanding public bonds and real-estate mortgages, \$37,308,350; assessed valuation, \$73,000,000. "Sugar Bowl of Louisiana." Thousands unable after 1927 flood to return to homes until August, when it was too late to produce crops. Sixty thousand were rendered homeless by 1927 flood. District has anticipated revenues through 1934, and therefore unable to pay any part of cost of flood control (p. 42).

Lafourche Basin levee district, Louisiana: Outstanding public bonds and real-estate mortgages, \$16,933,300; assessed valuation, \$42,445,124. District anticipated its 1928 revenue to combat 1927 flood (p. 43).

Lake Borgne Basin levee district, Louisiana: Outstanding public bonds and real-estate mortgages, \$5,896,450; assessed valuation, \$18,524,132; 1927 flood losses, \$5,325,000. District apparently in good condition (p. 43).

Orleans levee district, Louisiana: This is the metropolitan district of New Orleans, and is in good condition (p. 43).

Pontchartrain levee district, Louisiana: Outstanding public bonds and real-estate mortgages, \$11,793,865; assessed valuation, \$43,243,177. Integrity of 125 miles of levees in this district essential, as break in line in flood time would cover New Orleans from 5 to 10 feet deep (p. 43).

Board of Mississippi Levee Commissioners, Mississippi: One hundred and ninety-eight miles of levee. Outstanding public bonds and real-estate mortgages, \$55,291,142; assessed valuation, \$62,937,309; 1927 flood losses, \$36,011,142. People burdened excessively by taxes, in face of fact they are unable to derive revenue from lands on account of 1927 flood and can not contribute (p. 44).

Yazoo-Mississippi Delta levee district, Mississippi: One hundred and seven miles of levee. Outstanding public bonds and real-estate mortgages, \$87,020,000; assessed valuation, \$115,000,000; 1927 flood losses, \$10,172,440. Has not had a break in its front line of levees for 30 years. Because of terrific losses, people along the river have had difficulty to live, being deprived by flood of chance to make crops (p. 44).

Reelfoot levee district, Tennessee: Outstanding public bonds and real-estate mortgages, \$1,220,000; assessed valuation, \$2,753,406. Works in Tennessee are worthless unless the works in Kentucky are maintained, and it seems the danger to this district is from the adjoining district to the north, furnishing another reason for undivided Federal control (p. 45).

Fulton County levee board, Kentucky: Outstanding public bonds and real-estate mortgages, \$1,840,000; assessed valuation, \$1,000,000. Levee not up to standard. District deeply in debt and without funds to improve levees. Can not contribute to cost of flood control (p. 46).

Indebtedness of levee districts, January 1, 1928

Atchafalaya Basin levee district	\$37,308,350
Board of Mississippi Levee Commissioners	55,291,142
Bossier levee district	3,523,000
Caddo levee district	12,550,000
Cotton Belt levee district	5,365,913
East Cape Girardeau and Clear Creek drainage district	1,143,697
Farely Lake levee district	4,139,000
Fifth Louisiana levee district	18,543,986
Fulton County levee district	1,840,000
Helena improvement district	3,560,000
Laconia drainage and levee district	2,437,075
Laconia Levee District No. 1	565,000
Lafourche Basin levee district	16,933,300
Lake Borgne Basin levee district	5,896,450
Levee District No. 3 of Mississippi County, Mo.	4,074,600
Little Red River levee district	837,500
North Bossier levee district	1,278,000
Pontchartrain levee district	11,793,865
Red River, Atchafalaya, and Bayou Boeuf levee district	16,410,000
Red River and Bayou des Glaives levee and drainage district	1,053,000
Reelfoot levee district	1,220,000
Salline levee district	425,000
Scott County (Mo.) Levee District No. 2	1,405,000
Sny Island levee drainage district	1,839,878
Southeast Arkansas levee district	13,571,657
St. Francis levee district of Arkansas	53,686,000
St. Francis levee district of Missouri	22,329,700
St. John levee and drainage district	13,482,038
Tensas Basin levee district	12,956,125
White River levee and drainage district	1,050,000
White River levee district	4,300,000
Yazoo-Mississippi Delta levee district	87,020,000
Orleans levee district	401,813,300
Total	819,642,576

3. IMPOSSIBILITY OF ENFORCEMENT IN TIMES OF DISASTER

Illustrative of the inability of some of the local levee districts to meet the situation confronting them following the 1927 overflow and to make contributions for the closure of crevasse breached levees, it is noted that the Mississippi River Commission had to waive the requirement of local contribution in the following instances and rebuild the levees at these localities entirely at Government expense. This was done with the approval and consent of the Secretary of War (p. 3839).

CREVASSES CLOSED BY UNITED STATES WITHOUT CONTRIBUTIONS

Cost of closing crevasse

Upper Knowlton	\$92,668
Lower Knowlton	202,207
Laconia Circle special drainage district	124,014
Upper Snow Lake	99,282
Lower Snow Lake	48,334
Farely Lake Levee district	65,000
Winterquarters	92,180
Glasscock	71,261
Brabston	54,837
Melville	44,936
Junion	5,617
Bougere No. 1	65,624
Bougere No. 2	51,051
McCrea	186,845
Total	1,183,856

CREVASSES CLOSED ENTIRELY AT GOVERNMENT EXPENSE

Colonel Potter

(Pp. 2076-2079)

The CHAIRMAN. Let me ask you this: Are all levees repaired that are necessary to protect the main river?

LNIX—354

Colonel POTTER. They are all repaired; yes, sir.

The CHAIRMAN. And one-third of that money was paid by the local levee districts?

Colonel POTTER. In the first and second districts; yes. In the third district, yes, without exception. In the fourth district we undertook the levees on the main river and we are—

The CHAIRMAN. What do you mean by that?

Colonel POTTER. To close the crevasses.

The CHAIRMAN. Without contribution?

Colonel POTTER. Without contribution.

Mr. WHITTINGTON. Why did you make that distinction between the various districts?

Colonel POTTER. Because we could not get the money and we had to close the crevasses.

The CHAIRMAN. That is what I have been trying to get out of you for the last 10 minutes.

Colonel POTTER. I know that you know the conditions, and I assumed—

The CHAIRMAN. We do not know anything about it. We are trying to learn. We want it for the record, anyhow.

Colonel POTTER. In the fourth district—the fifth Louisiana district put up every cent of money in the third district, and they did not put up a cent of money in the fourth district. The latter was so far behind—

The CHAIRMAN. Did they have some money that they did not put up?

Colonel POTTER. They claimed they did not. We have no proof as to that.

The CHAIRMAN. Do you know of any districts that held out on you and kept their money in the sock when they should have put it up for flood control?

Colonel POTTER. I do not believe there are any.

The CHAIRMAN. The Dorena crevasse: Do you know where that is?

Colonel POTTER. Yes.

The CHAIRMAN. Is that repaired?

Colonel POTTER. Yes, sir.

The CHAIRMAN. At whose expense?

Colonel POTTER. Two-thirds the Government and one-third local.

The CHAIRMAN. And Knowlton?

Colonel POTTER. Knowlton is entirely Government. There was a district that could not put up its money.

Mr. WHITTINGTON. That is above Vicksburg, too, is it not?

Colonel POTTER. Yes; I overlooked that.

The CHAIRMAN. How about Mound Landing?

Colonel POTTER. The district has met its one-third and it is done.

The CHAIRMAN. Frenchtown?

Colonel POTTER. There are a couple of districts up there that are just below Pine Bluff, and those have been done long ago.

The CHAIRMAN. Who paid for them?

Colonel POTTER. The local people put up their money.

The CHAIRMAN. South Bend, on the Arkansas?

Colonel POTTER. It is closed and the funds were donated. One-third was put up by the local district.

The CHAIRMAN. Pendleton?

Colonel POTTER. The same way.

The CHAIRMAN. Two-thirds and one-third?

Colonel POTTER. Yes; two-thirds and one-third.

The CHAIRMAN. Medford?

Colonel POTTER. The same way.

The CHAIRMAN. Whitehill?

Colonel POTTER. Whitehill, two-thirds and one-third.

The CHAIRMAN. Laconia?

Colonel POTTER. Laconia was entirely at Government expense.

Mr. WHITTINGTON. That is above Vicksburg, is it not?

Colonel POTTER. Yes.

Mr. WHITTINGTON. I knew there were a lot of them up there.

Colonel POTTER. Yes. There were two crevasses in the White River district that I overlooked.

The CHAIRMAN. Junior crevasse?

Colonel POTTER. Junior crevasse was caused by a steamship running into the levee, and it was a very small matter and it has been closed. The local levee district furnished their one-third.

The CHAIRMAN. Caernarvon?

Colonel POTTER. Caernarvon is not in our hands. It is done by agreement with the local people, and the condition there I can not quite tell you about.

The CHAIRMAN. It is not closed anyhow, is it?

Colonel POTTER. It is being closed, as I understand it. I do not know in what stage it is. Mr. Shoenberger can tell you better than I.

Mr. SHOENBERGER. It is closed.

The CHAIRMAN. Winter Quarters?

Colonel POTTER. That is closed entirely at Government expense.

The CHAIRMAN. Glasscock?

Colonel POTTER. Entirely at Government expense.

The CHAIRMAN. Brabston?

Colonel POTTER. That is closed at Government expense.

The CHAIRMAN. Bougere No. 1?

Colonel POTTER. Government expense.
 The CHAIRMAN. Bougere No. 2?
 Colonel POTTER. Government expense.
 The CHAIRMAN. Cabin Teal?
 Colonel POTTER. On the one-third-two-thirds basis.
 The CHAIRMAN. Cottonport and Moreauville?
 Colonel POTTER. All of them are done by the State of Louisiana, the Louisiana engineers. We did not go in there at all.
 The CHAIRMAN. McCrea?
 Colonel POTTER. McCrea is practically completed.
 The CHAIRMAN. How paid?
 Colonel POTTER. Entirely at Government expense.
 The CHAIRMAN. Melville?
 Colonel POTTER. The same.
 The CHAIRMAN. The same what?
 Colonel POTTER. Almost completed and will be completed in a few days, and entirely at Government expense.
 Mr. Cox. Colonel, you are not yet adhering to the law strictly, are you?
 Colonel POTTER. We had violated the law; that is, we decided—
 Mr. Cox. You were just completing the job?
 Colonel POTTER. What was due to this flood we must meet. We could not leave the crevasses open.
 The CHAIRMAN. Why could you not leave them open?
 Colonel POTTER. Of course, we physically could leave them open. It would be rather an uncharitable act. We could have left them open. We felt it was the duty of the Government just as much to close those crevasses as it was to make the high-water fight. It was a part of the flood.
 Mr. Cox. That is what you did it for?
 Colonel POTTER. Yes, sir.
 Mr. Cox. So you did not have the option to leave them open or not, if you wanted flood control?
 Colonel POTTER. No; we did not think we had any option. It had to be done.
 Mr. SWING. In every one of those instances where the Government paid the full expense you first made an honest effort to try to comply with the law by compelling the local people to pay, did you not?
 Colonel POTTER. We did everything that we could.
 Mr. SWING. And they could not put up the money, and then you went ahead without it?
 Colonel POTTER. Yes.

4. UNITED STATES SHOULD HAVE EXCLUSIVE CONTROL TO RENDER FLOOD-CONTROL SYSTEM EFFECTIVE

To adhere strictly to the local contribution requirement for financing the flood-control work would, according to Colonel Potter, make it impossible even to do the work necessary to bring the levees up to the 1914 grade, according to his testimony which follows:

(P. 3459)

Mr. WILSON. Colonel, I believe a majority of the districts you named are either insolvent or have passed their limit to secure any bonds. If you required this one-third contribution from them, could your plan be effective if they could not meet the allotment?

Colonel POTTER. It could not.

Mr. WILSON. Even for the 1914 grade?

Colonel POTTER. Even for the 1914 grade. If you find that these people can not put up that amount of money, our recommendation should not be followed.

Mr. WILSON. Take the Atchafalaya, for instance. The report to us shows it is absolutely hopeless, and a number of others are insolvent, and probably the majority of them could not meet the allotment.

Colonel POTTER. That is what I feared. I fear if this appropriation comes this year that we can not spend it for levees under the present conditions.

Mr. WILSON. And that is just to bring it up to the 1914 grade?

Colonel POTTER. That is just to bring it up to the 1914, yes; and, as I said to-day, it is only a deterrent against these little districts that will be importuning for levees that are free. It is a small matter financially for us.

Mr. WILSON. Then to make the plan effective, even if you are going to bring the levees up to the 1914 grade and section, it will be necessary for the Federal Government to do the work; furnish the money?

Colonel POTTER. If you are convinced of the financial inability of those districts to put up the money, that would be undoubtedly true. We do not know or we have no way of knowing—I really believe, and I believe it more than I did when I wrote that paragraph of the report; that is, I believe it more now, that they are unable to put it up, than I did believe it when I wrote the paragraph in the report.

NATIONAL DEFENSE AND NATIONAL WELFARE SUFFICIENT JUSTIFICATION FOR FULL GOVERNMENT PAYMENT FOR LEVEE SYSTEM

FLOOD CONTROL ESSENTIAL TO THE NATIONAL DEFENSE AND NATIONAL WELFARE

Colonel Potter

(P. 2463)

The CHAIRMAN. Do you think that the control of destructive floods on the Mississippi River is essential to the national defense of the country?

Colonel POTTER. Well, I would not say it is essential, but I think it would have considerable bearing on it. I can not imagine what situation we would have been in during the late war if this flood had occurred, with transportation torn up.

The CHAIRMAN. Do you think the control of these destructive floods of the Mississippi River is essential to the national welfare?

Colonel POTTER. I do.

Colonel Kutz

(P. 2842)

The CHAIRMAN. Do you think the control of destructive floods in the Mississippi River is essential to national defense?

Colonel KUTZ. Yes, sir; I do.

The CHAIRMAN. You think the control of destructive floods of the Mississippi River is essential to national welfare?

Colonel KUTZ. I do.

(P. 2847)

Mr. COX. Colonel, if there was not a living soul in the valley would you not still favor the controlling of these waters in the same manner as recommended by the commission?

Colonel KUTZ. Our plan might be different.

Mr. COX. But still you would favor the harnessing of the water or controlling the water and not permitting them to split the country in two?

Colonel KUTZ. I think the Mississippi is a valuable part of the transportation system of the country and that even if there was no one living in the valley the river ought to be controlled for that reason.

Mr. COX. As a matter of national defense, if for nothing else?

Colonel KUTZ. Yes, sir.

LEVEE DISTRICTS ARE INTERDEPENDENT

THE INTERDEPENDENCE OF LEVEE DISTRICTS AND THE NECESSITY OF PLANNING THE WORKS WITHOUT REGARD TO DISTRICT LINES OR STATE LINES

Heretofore as long as the flood-control policy was one of "levees only," it was the general rule that expenditures for levee work were confined to the payment of work within the levee district itself. There was, it is true, a recognition of the fact that different levee districts within the same natural basin were interdependent as regards protection from overflow, and particularly was this fact realized by the district farther downstream, that freedom from overflow depended upon the integrity of the levee line in the sister district, as well as on that of its own levee district. But this recognition did not go to the extent of the lower district coming to the financial assistance of the upper district in promoting their common safety. Probably this was for the reason that there was always work to be done in every district bringing the levees up to the continually increasing grades and the local work was given priority in consideration and execution. It should be stated in this connection that there was one exception to this general statement, which was the Tensas Basin levee district in Louisiana that did spend money in Arkansas for its own protection.

In the present plans submitted by the Chief of Engineers and by the Mississippi River Commission there is a broader conception of the flood-control problem than was shown in the "levees only" policy, and there is brought forcibly to mind the fact that a comprehensive flood-control plan must obliterate levee district lines and even State lines in the working out of a solution for the whole valley.

Taking, for example, the Birds Point to New Madrid river-bank flood way, and assuming that it is the correct solution to apply in the situation, the Chief of Engineers disregards district lines and even State lines and plans a work in Missouri to protect a city in Illinois.

In the instance of the Boeuf diversion, the resultant reduction of the flood height on the main river by abstracting enormous quantities of water from the main river will ameliorate the situation confronting the levee districts in the State of Mississippi and in Arkansas above the mouth of the Arkansas.

Similarly the Atchafalaya spillway will reduce the high-water burden of those levee districts on the main river below Red River Landing, including the Pontchartrain district on the opposite side of the river below Baton Rouge.

The city of New Orleans, in common with the Pontchartrain district, the Lafourche district, and the Lake Borgne district, will be the beneficiaries of the flood way in the Atchafalaya district, just as that portion of the Atchafalaya district fronting on the Mississippi River to a lesser degree and the other mentioned levee districts to a greater degree will be the beneficiaries of the spillway at Bonnet Carre, in the Pontchartrain district.

It may help to enlighten this question and show the absolute necessity of coordination of effort through the adoption of a general and comprehensive plan to bring about a successful solution of flood control to introduce here an excerpt from the testimony of Mr. Charles H. West, for 18 years a member of the Mississippi River Commission:

(P. 3054)

The CHAIRMAN. Well, now, every basin is related to every other basin along the Mississippi River, is it not?

Mr. WEST. Yes, sir.

The CHAIRMAN. And while it might be sufficient unto itself to protect the inside of its own levees, the breaking of its levees might affect another district?

Mr. WEST. Yes.

The CHAIRMAN. Is that true?

Mr. WEST. Yes.

The CHAIRMAN. And consequently every natural basin and every levee district along the Mississippi River must be considered in a comprehensive plan of flood control, must it not?

Mr. WEST. If you want to make a success of it—if you want to carry out a successful plan.

(P. 3061)

The CHAIRMAN. Now, in your opinion, is not the Federal Government the only agency that could possibly cope adequately with the destructive floods of the Mississippi River?

Mr. WEST. I am quite sure of it.

The CHAIRMAN. Do you think that the Federal Government should have the exclusive direction of the location, size, or other arrangement of all levees, spillways, by-passes, or other flood-control devices?

Mr. WEST. I do.

The CHAIRMAN. Should the State or any local interests be permitted to decide the location, size, or arrangement of any levees, spillways, by-passes, or other flood-control devices?

Mr. WEST. No. The entire plan and the entire carrying out of the plan should be under one direction, whether it be one person, the commission in its present form, or in any other form; but it should be one agency.

The CHAIRMAN. Now, can the decision as to whether flood-control works should be constructed, and where, and the size be safely left to the communities along the Mississippi River?

Mr. WEST. There would be as many variations in the character of structure and plan and strength as there were districts.

The dreadful consequences which might result from the refusal, failure, or stark financial inability of one or more districts to contribute to the expense of controlling works may be gleaned from the testimony of General Jadwin, Chief of Engineers of the United States Army, as follows:

(P. 4125)

The CHAIRMAN. Suppose Arkansas and Louisiana do not go in on your plan and contribute, then no work will be done?

General JADWIN. No, sir.

The CHAIRMAN. Is it your idea that Mississippi is going to be good and come in?

General JADWIN. Yes, sir.

The CHAIRMAN. Would you build this fuse-plug levee in order to relieve Mississippi in spite of the fact that Arkansas and Louisiana did not go in?

General JADWIN. If Mississippi contributed, then we could build levees on the Mississippi side. That would protect them. This water would come down the main river, and if no contribution was made by Arkansas it would cause a break in the levee wherever it happens to come.

The CHAIRMAN. So Mississippi would have to defend on the higher levee?

General JADWIN. If they just raise the amount they contemplate raising, that 3 feet would take care of her absolutely.

The CHAIRMAN. The diversion, then, is not necessary, and a fuse-plug levee is not a necessity to protect Mississippi, according to your plan.

General JADWIN. Wait a minute. Raising it 3 feet would cause the water to go over the levee on the west side.

The CHAIRMAN. And Louisiana would likely be flooded?

General JADWIN. Yes, sir; under those conditions.

In this testimony, it may be noted, General Jadwin naively suggests that any district which may fail for any reason to contribute to the cost of flood control might have turned onto that unfortunate district the fury of the flood. In this con-

nection attention is invited to the fact that the districts which have borne the brunt of previous flood disasters are the districts which are now unable to raise any money to contribute further, and, to the people of those districts, the plan of General Jadwin constitutes a pronouncement of doom.

Col. Charles L. Potter, president of the Mississippi River Commission, admits that under the system of insisting upon local contributions to the cost of flood control there have not been sufficient funds collected in the past to do the work as it should be done:

A COMPLETE SYSTEM

(P. 2250)

The CHAIRMAN. In other words, every levee district that I have mentioned that borders on the Mississippi River is essential to be considered in any comprehensive flood-control plan of the Mississippi River; is that it?

Colonel POTTER. Or on the tributaries as far back as the back waters go.

The CHAIRMAN. Anyhow, on the Mississippi River; is that correct? Colonel POTTER. It will be.

The CHAIRMAN. And again I will ask the question: You have not had sufficient money to do the entire job as it should be done under the system that there had to be local contributions in order to use the money for flood protection?

Colonel POTTER. We have not.

And Mr. West, of the Mississippi River Commission, testifies positively that the Federal Government could and would have put in efficient controlling works if it had not been obligatory to consider the local interests.

(P. 3053)

The CHAIRMAN. If the Government did not have to consider the local interests, it could have put in proper flood-control works there, could it not?

Mr. WEST. And would have done so.

At another point in his testimony, Colonel Potter admits that no flood-control plan can be successful if the integrity of every portion of the levee system be not strictly maintained:

(P. 2464)

The CHAIRMAN. Can the decision as to whether flood-control works should be constructed and where and the size be safely left to the communities along the river?

Colonel POTTER. I think not.

The CHAIRMAN. Would a flood-control plan be successful if it permitted of the omission of any part of a necessary levee construction that breaks the integrity of the levee line?

Colonel POTTER. No.

6. LEVEE TAX SYSTEMS IN STATES IN LOWER MISSISSIPPI VALLEY TAXES FOR LEVEE PURPOSES

The evidence before the committee disclosed the following facts in regard to the levee taxes levied in the seven States in the lower Mississippi Valley:

Illinois, Kentucky, Tennessee: Based on an ad valorem tax on real estate. Benefit tax. Bonds limited to 90 per cent of benefits as determined by commissioners and constitute direct tax lien on lands in district. No vote of landowners required, but schedule of benefits reviewed by court.

Missouri: Based on an ad valorem tax on real estate. Benefit tax. Bonds limited to 90 per cent of benefits as returned by commissioners and confirmed by court. Vote of landowners required before bonds can be issued.

Arkansas: Based on real-estate betterments.

Mississippi: Based on ad valorem tax on lands and personal property; \$1 to \$1.50 per bale tax on cotton; 2 cents to 5 cents acreage tax and privilege taxes on businesses and occupations.

Louisiana: Ad valorem tax 0.32 mills on the dollar, based on 100 per cent cash valuation on all property of State, constituting what is known as general engineer fund.

The levee-district taxes and forced contributions permitted by law to be annually levied and collected in the district are as follows:

Tax: An ad valorem tax limited under the constitution, as a general proposition, to 5 mills on the dollar, based on a 100 per cent cash valuation. However, by a vote of the people of the district, an additional ad valorem tax of 5 mills on the dollar may be levied. The fifth Louisiana levee district is the only one that has voted for the 5 mills additional tax.

Forced contributions: Different in each levee district. The following is a typical case: 5 cents per acre on all lands within the district; \$100 per mile on railroads of standard gauge; \$20 per mile on railroads of less than standard gauge, and \$1 per bale on all cotton grown within the district.

An additional special ad valorem contribution of one-fourth mill on the dollar was also authorized by section 6, article 16, of the State constitution of 1921, to be levied and applied solely toward compensation for injury and destruction of property appropriated by the district for levee and for levee drainage purposes.

LEVEE DISTRICTS ON THE MISSISSIPPI RIVER FLOODED IN 1927

The following are a list of the levee districts, on the Mississippi River, showing those flooded in 1927, and a few statements from the levee districts and individuals taken from the record of the hearings, in regard to the inability of the levee districts to pay the cost of any additional flood-control works:

Scott County levee district, Missouri: Was not overflowed by flood of 1927.

Levee district No. 3 of Mississippi County, Mo.: Was not overflowed by flood of 1927.

St. John levee and drainage district, Missouri: Overflowed by Mississippi River crevasse at Dorena, Mo.

St. Francis levee district, Missouri: Overflowed by flood of 1927 through Dorena, Mo., crevasse and St. Francis River.

St. Francis levee district, Arkansas: Lower end of district overflowed by crevasses in Mississippi River levee at Whitehall, Ark., and Dorena, Mo. Back side of district flooded by water from tributary streams, St. Francis and Black Rivers.

Helena improvement district, Arkansas: Was not overflowed by flood of 1927.

Cotton Belt levee district, Arkansas: Overflowed by back water from the Mississippi River and the White River, Ark.

Laconia levee district No. 1, Arkansas: Overflowed by back water from the Mississippi River and the White River, Ark.

Laconia drainage and levee district, Arkansas: Overflowed completely by crevasses in Mississippi River levees at Knowlton and Laconia, Ark.; as well as by White River water.

Southeast Arkansas levee district, Arkansas: Flooded four distinct times in 1927 by crevasses in Arkansas River levees at South Bend, Medford, and Pendleton, Ark.

Fifth Louisiana levee district, Louisiana: Overflowed by five breaks in Mississippi River levees at Cabin Teele, Winter Quarters, Glasscock, Brabston and Bougere, La.

Atchafalaya Basin levee district, Louisiana: Overflowed by numerous breaks in Bayou des Glaisses levees, and crevasses in the Atchafalaya River levees at McCrea and Melville, La.

Lafourche Basin levee district, Louisiana: Overflowed at the extreme lower end of the district by crevasse in Mississippi River levee at Junior, La.

Lake Borgne Basin levee district, Louisiana: Overflowed by artificial crevasse at Caenarvon, La.

Orleans levee district, Louisiana: Was not overflowed by flood of 1927.

Pontchartrain levee district, Louisiana: Was not overflowed by flood of 1927.

Board of Mississippi Levee Commissioners, Mississippi: District completely overflowed by break in Mississippi River levee at Mounds Landing, Miss.

Yazoo-Mississippi Delta levee district, Mississippi: Entire lower end of district overflowed by water from crevasse at Mounds Landing, Miss.

Reelfoot levee district, Tennessee: Not overflowed; but the entire territory in the basin beyond the jurisdiction of the district submerged by water from the Mississippi River.

Fulton County Levee Board, Kentucky: Was not overflowed by flood of 1927.

FACTS SHOWING LEVEE DISTRICTS ARE UNABLE TO CONTRIBUTE ANYTHING FURTHER TO FLOOD-CONTROL WORKS

A questionnaire was sent to each levee district on the Mississippi River by the chairman of the Flood Control Committee. Subsequently information as to the general conditions of the people in the levee districts was requested from officials and business men.

The following replies to the questionnaire and letter were received.

The losses set out below do not include any estimate of losses arising from suspensions of business activities, nor do they include sums spent by the various States and political subdivisions thereof on attempted protection work. Losses of railroad, telegraph, and telephone companies are not included.

STATEMENT BY SCOTT COUNTY LEVEE DISTRICT, MISSOURI

District has 14 miles of levee on west bank of Mississippi River; 40,000 acres of cleared land in district; assessed valuation, \$1,805,125; outstanding tax bonds, \$805,500; real-estate mortgages, \$800,000; 1927 flood losses, \$18,000, caused by expense of high-water fight.

District flooded five times since 1897; levee grades changed three times; district is strictly agricultural, producing wheat, corn, cotton, alfalfa, cowpeas, and watermelons; farming has been unprofitable since

1919, and only 50 per cent of farmers have money or credit to plant 1928 crops; taxpayers have no other source of income; practically none able to borrow from intermediate credit banks.

Estimated cost of adequate flood control runs from \$35,200 up, depending upon which plan adopted; maximum sum district can raise for new construction, about \$8,000; would refuse to contribute anything to proposed Missouri flood way.

Witness: J. F. Misfeldt, president Scott County (Mo.) levee district (p. 1043):

"The people will not authorize further levee taxes, and even if they did they could find no sale for levee bonds. While the levees did not break this year, they are badly in need of raising and strengthening. The local people can not do this. There is only about \$8,000 in the treasury, and no more can be raised. As a result of the fight with the Mississippi there is against the lands, in addition to the bonds, a mortgage indebtedness of over \$800,000, or about \$30 per acre, all of which aggregates more than 75 per cent of the value of the land. The district will not be able to pay the interest on its bonded indebtedness this year, but feels that it can try to take care of its other indebtedness if the Federal Government will only take care of the flood-control burden from this point on."

STATEMENT BY LEVEE DISTRICT NO. 3 OF MISSISSIPPI COUNTY, MO.

District has 26 miles of levee on west bank of Mississippi River; 64,515 acres of cleared land in district. Assessed valuation, \$5,327,991.63; outstanding tax bonds, \$1,574,600; real-estate mortgages, \$2,500,000; 1927 flood losses, \$45,000, caused by expense of high-water fight.

District flooded five times since 1897; levee grades changed three times. District's sinking fund wiped out by bank failures due to 1927 flood. Construction fund sufficient to bring levee line up to 1914 grade; thereafter can issue no more bonds or increase taxes. District strictly agricultural, producing wheat, corn, cotton, cowpeas, alfalfa, and watermelons. Farmers generally have no other source of income. Returns from agriculture since 1919 have not exceeded cost of production. Many farmers are unable to finance 1928 crops as only a few were able to arrange for a land-bank loan after the 1927 flood.

Estimated cost of adequate flood control runs from \$150,000 up, according to which plan is adopted. District can contribute toward construction only from funds now pledged, but would contribute nothing to proposed Missouri flood way.

Witness: R. A. Barry, president levee district No. 3, Mississippi County, Mo. (p. 1046):

"It is impossible for the district to finance or aid to finance the Nation's job of controlling the river.

"The Jadwin plan would wreck our district both physically and financially."

STATEMENT BY ST. JOHN LEVEE AND DRAINAGE DISTRICT, MO.

District has 51 miles of levee on west bank of Mississippi River; 100,000 acres of cleared land in district; assessed valuation, \$8,647,674; outstanding tax bonds, \$7,662,904; real-estate mortgages, \$5,819,134; 1927 flood losses, \$2,115,180.20.

District overflowed five times since 1897; levee grades changed three times. Dorena crevasse in 1927 occurred in a nonstandard levee within this district, flooding 400,000 acres. As a result of overflow and crop losses, tax delinquencies are greatest in history, 614 tax suits having been filed; loan companies have foreclosed scores of mortgages; 38 schools have been forced to curtail terms; 3 banks have failed; and levee district defaulted in payment of bonds and interest in 1927.

District exclusively agricultural, producing cotton, corn, and hay. Taxpayers have no material income from other sources. They have been unable to borrow from intermediate credit banks. Returns from agriculture since 1919 have not exceeded cost of production.

Estimated cost of future flood control not given, but district can contribute no part of cost.

Statement by W. S. Edwards, secretary of St. John levee and drainage district of Missouri:

"Then have this mighty Government say to this people: 'You can secure protection against future floods if you help pay for it. Such a policy is not in keeping with sound fundamental procedure. How can a people make and pay a new obligation running into the millions when they can not pay the old obligation?'

"When legislation is enacted which imposes on the territory a further burden in payment for flood control, in so doing the death sentence to the plan has been passed, for I knowingly state that much if not all the territory could not meet the requirement. Then, if flood control is made contingent upon a participation by local districts and if, as is true, the districts could not meet the requirements, then what is the alternative? This might be suggested, that the districts cover their contribution by passing to the Government each its pro rata of the whole of the district bonds; but this is not workable.

"Economy in time is the true substance in this matter. The enemy may appear any day. Prepare now. Delay not.

"Bonds must be secured under the law and can only be issued where there has been decreed by the court a benefit in excess of the cost. In such a procedure every person to be taxed must be brought into

court where he may defend his rights or wrongs, as he chooses to call them. Then in so doing, if the Government set in motion a policy to make the landowners pay a part of the cost of flood control, the courts must adjust the thousands upon thousands of tax assessments made necessary by such a plan. Nothing but time can answer the delay occasioned. Such a policy is unthinkable.

"In New Madrid County, Mo., the average mortgage and bonded indebtedness is more than \$78 per acre. Nine months after the time for payment of 1926 taxes had passed, 40 per cent of the taxes for that year remained unpaid. Three banks in that county have failed during the last year. This district has defaulted on its bonds."

Statement by New Madrid County Bankers' Association and St. Johns levee and drainage district, New Madrid, Mo. (p. 4647):

"The landowners and taxpayers in southeast Missouri face a serious financial condition due to a series of recurrent disasters climaxed by the 1927 flood.

"It has become necessary for mortgage holders, bankers, and landowners interested in this territory to meet together and to cooperate to the end that sufficient financial assistance may be provided to enable farm lands to be cultivated in the 1928 season.

"It has come to the attention of the meeting that a Mississippi River flood-control plan has been submitted to the Congress by Gen. Edgar Jadwin, which plan provides that territory already overburdened with reclamation taxes and mortgage debts incurred in the development of such and shall further be burdened with the entire costs of all rights of ways, land damages, and drainage diversions incidental to such works, together with 20 per cent of levee construction costs, and urge Representatives in Congress to defeat plan."

STATEMENT BY ST. FRANCIS LEEVE DISTRICT, MISSOURI

District has 58 miles of levee on west bank of Mississippi River; 230,000 acres of cleared land in district; assessed valuation, \$18,000,000; outstanding tax bonds, \$8,429,700; real-estate mortgages, \$13,900,000; 1927 flood losses, \$3,414,775.

District has been overflowed four times since 1897; levee grades have been changed twice. District almost exclusively agricultural, producing cotton, corn, and alfalfa. Taxpayers have no material income other than from agriculture with which to pay taxes. Returns from agriculture since 1919 have not exceeded cost of production. On account of heavy bonded indebtedness, no more bonds can be sold. Farmers not able to borrow money through intermediate credit corporation.

Estimated additional cost of adequate flood control, \$3,500,000.

Statement by Alphonse De Lisle, president St. Francis Levee district of Missouri, Caruthersville, Mo.:

We have the legal right to issue additional bonds to the amount of \$700,000 to finance further construction. While that is true, it would be simply childish to attempt to sell any further issues to build levees or participate in levee construction.

Witness: James A. Finch, attorney, St. Francis levee district (p. 996):

"Levee and drainage taxes have been so burdensome that in seven years in eight counties of southeast Missouri over 400,000 acres of land (one-sixth of all the land) have been sold for taxes or for failure to pay farm mortgages. In 1893, before improvements were started, this land sold at \$2, \$3, up to \$10 per acre. The taxes at present average \$2.50 to \$3 per acre. Up to July 1, 1926, there were \$53,000,000 of bonds against these lands.

"On account of the tremendous burden of taxes assessed to keep water off the land, even prior to the flood of 1927, the land had greatly decreased in value, and there is no sale for it whatever now."

STATEMENT BY ST. FRANCIS LEEVE DISTRICT, ARKANSAS

District has 165 miles of levee on west bank of Mississippi River; 1,100,000 acres of cleared land in district. Assessed valuation, \$40,000,000; outstanding tax bonds, \$35,686,000; real-estate mortgages, \$18,000,000; 1927 flood losses, \$8,349,684.

District has been overflowed five times since 1897; levee grades changed three times. Crevasse in 1927 occurred at Whitehall, at extreme lower end of district, where substandard levee went out. District suffered heavily from floods on numerous tributary streams.

District exclusively agricultural, producing cotton, corn, wheat, hay, fruits, and vegetables. Returns from agriculture since 1919 have not exceeded cost of production. Farmers have been unable to borrow money through intermediate credit corporation. Many have been helped by the Red Cross. While this district is one of the largest on the river and is solvent, its revenues are insufficient to pay interest on and retire additional bonds.

Estimated cost of future flood-control works, \$4,076,431.

STATEMENT BY HELENA IMPROVEMENT DISTRICT, ARKANSAS

District has 5.5 miles of levee on west bank of Mississippi River protecting the city of Helena. Assessed valuation of district, \$6,225,514; outstanding tax bonds, \$820,000; real-estate mortgages, \$2,740,000; 1927 flood losses, \$4,489.20, caused by expense of high-water fight.

This metropolitan district has never been flooded, but levee grades have been changed three times. District is solvent.

STATEMENT BY COTTON BELT LEEVE DISTRICT, ARKANSAS

District has 25.25 miles of levee on west bank of Mississippi River; 52,558 acres of cleared land in district. Assessed valuation, \$2,436,862; outstanding tax bonds, \$1,786,400; real-estate mortgages, \$3,579,513; 1927 flood losses, \$25,000.

District has been overflowed on average of once in four years; levee grades changed three times. District is exclusively agricultural, producing cotton and corn. Farmers have not made money since 1919, and their money and credit is exhausted. They are unable to borrow money from intermediate credit corporation.

Estimated cost of adequate flood control not known, but district can not raise additional funds as legal limit of bonds has been reached.

Statement by W. F. Craggs, president Cotton Belt levee district No. 1, Elaine, Ark.:

"The floods are getting larger each year, and the burden on people living behind them has increased until this country is bankrupt. Our levee board, of which I have been a member for 15 years, has issued all of the bonds we could, trying to keep our levee above the increasing floods, and this increased taxes until the burden is more than property owners can stand. Majority of property owners have been forced to let them go delinquent, and will have to be sold for taxes, and the worst thing we have confronting us who want to put any money in our lands, with so great a burden of taxes, is how we will pay interest on our bonds. The loan companies have been carrying the interest over from year to year hoping the farmers would get in shape some day. But I can see no future under the existing conditions.

"The State taxes have been extended trying to help conditions, but the recent flood has put the people in such shape they are barely existing, living from hand to mouth, and the Red Cross is still feeding hundreds of thousands of families, because the landlord is not able to do so and can not get advances from the banks.

"For these reasons the people are wholly unable to contribute any portion whatever of the cost of flood-control works or rights of way for levees, spillways, and flood ways, and any plan which depends on contributions of any amount whatever by them will fail utterly.

"It is imperatively necessary to lay before the Congress a true statement of the destitute conditions of the people who are being called on to put up money to finance flood-control work."

Witness: J. G. Burke, representing the Helena improvement district and the Cotton Belt levee district (p. 1149):

"There was no crop whatever on a large portion of the land in the district. The tenants who inhabit this agricultural district are not going to return to it unless they are told they will be given adequate flood protection by the Federal Government.

"The landowners will be absolutely unable to replace the improvements on their lands, on account of the mortgages already existing and the great burden of taxes, in the face of no flood control. Neither the Federal land bank nor the other banks will lend the farmers any more money, because they can not see how the farmers will get the money to repay them. They have reached their limit. Unless immediate action is taken to protect the property owner and the tenant these lands in the flood-stricken area will be abandoned."

STATEMENT BY LACONIA LEEVE DISTRICT NO. 1, ARKANSAS

District has 20 miles of levee on west bank of Mississippi River just north of junction with White River; 16,000 acres of cleared land in district. Assessed valuation, \$320,000; outstanding tax bonds, \$365,000; real-estate mortgages, \$200,000; 1927 flood losses, \$200,000.

"District has been overflowed on average of once every three years since 1893; levee grades have been changed three times. As a result of numerous overflows district has been unable to meet Government allotment for new construction in recent years. Crevasses at Knowlton and Laconia in 1927 occurred in early stages of flood, due directly to district's inability to pay for flood-control works. No crops were produced in this district in 1927. Practically all of the people in the district were supported by the Red Cross.

"District is strictly agricultural, producing cotton and corn. Farmers have not made any money since 1919 and have no other material sources of income. They are thoroughly discouraged and will abandon their properties unless the Government takes over the expense of flood control."

Statement by M. A. Partin, president Laconia levee district No. 1:

"In 53 years I have seen the waters of the Mississippi at flood tide increase from mere overflows to terrific floods, the 1927 flood striking a new level, 4½ feet above any previous water, and it seems there is no limit to the future height which might be attained. In more than half a century spent in the Delta I have never seen such distressing conditions.

"We have watched our plantations devastated by the flood, tenant houses swept away, corn, hay, and planting seed destroyed, and the prospect so discouraging that some of our citizens have given up their land to seek homes elsewhere.

"Others seem dazed and bewildered, unable to decide what is best to be done under existing circumstances, with their lands taxed to the limit to assist the Government in holding the flood waters, yet having no

protection, and finding themselves in a deplorable, helpless condition, without adequate levee protection, without money, and without means of raising any more.

"Banks are hesitating in regard to making loans on Delta lands, land-owners not able to finance themselves, labor moving away, in consequence of which a large portion will necessarily lie idle, while our levee, State, and county tax must be met or go delinquent. Interest on our outstanding bonds must be paid and no revenue, no source of income to meet the indebtedness.

"The entire loss of the 1927 crop and the destitute conditions prevailing at the commencement of this year's crop are disheartening beyond description.

"Further taxation in my district means confiscation of property. We have gone the limit of taxation, and we are lost beyond redemption unless the Government takes absolute control of the flood situation."

Witness: Dewitt Poe, representing Laconia levee district No. 1, Desha County, Ark. (p. 1163):

"All of the banks in this county failed following the 1927 flood."

STATEMENT BY LACONIA DRAINAGE AND LEVEE DISTRICT, ARKANSAS

District has 20.5 miles of levee on west bank of Mississippi River; 25,640 acres of cleared land in district. Assessed valuation, \$942,459; outstanding tax bonds, \$1,074,075; real-estate mortgages, \$1,363,000; 1927 flood losses, \$17,000.

District has been flooded on average of once in three years by back-water from below; levee grades have been changed three times. District is exclusively agricultural, producing cotton and corn. Returns from farming since 1919 have not exceeded cost of production. Farmers have no money or credit, and no other sources of income.

Estimated cost of adequate flood protection not given, but district has reached limit of its resources.

STATEMENT BY SOUTHEAST ARKANSAS LEVEE DISTRICT, ARKANSAS

District has 147 miles of levee, 62 miles on the south bank of the Arkansas River and 85 miles on the west bank of the Mississippi River; 290,500 acres of cleared land in district. Assessed valuation, \$12,500,000; outstanding tax bonds, \$8,571,657; real-estate mortgages, \$5,000,000; 1927 flood losses, \$7,211,905.

District has been overflowed by every major flood from 1882 to 1927, except 1922. Its Mississippi levees held in the 1927 flood, but breaks in the Arkansas River levees at South Bend, Pendleton, and Medford overflowed the district four distinct times, drowning out agriculture all year. Farmers in this district are in desperate financial condition. They are overmortgaged; their money and credit have been exhausted; most of them are dependent upon the Red Cross for support.

After having lost \$138,000 through the failure of a bank after the 1927 flood, the district raised \$76,000 to meet an allotment called by the Mississippi River Commission. It would have defaulted in the payment of bonds and interest in 1927, but for fact that Louisiana interests dependent upon this district's levees for protection came to the stricken district's assistance.

Estimated cost of adequate flood protection varies in plans suggested, but district is utterly unable to pay any part of the cost.

From Judge Street's testimony, p. 1456:

"With such a showing our credit is gone. No more bonds can be sold and our income is insufficient to take care of present indebtedness."

Statement by W. D. Trotter, president southeast Arkansas levee district, Dermott, Ark.:

"We have been borrowing money from our local banks for the past several months with which to meet our bond and interest payments, due to the depleted condition of our treasury. We owe on March 1 for interest, \$50,475; and have in our treasury less than \$10,000. We can issue no more bonds under our act. Seriously speaking, without going into details as to figures, which have already been furnished you, I can see but little chance of paying our indebtedness, much less any further contributions. However, if the Government should take over the flood-control problem to the end that it would complete same at the cost of the Government, I honestly believe we could by doing some refinancing manage to pay our bonded indebtedness; but unless the credit of this country is restored, which can only be done by the Government taking over at its expense this problem, we will never be able to pay what we already owe, which money has been used for the construction of flood protection.

STATEMENT BY FIFTH LOUISIANA DISTRICT, LOUISIANA

District has 246 miles of levee on west bank of Mississippi River; 594,432 acres of cleared land in district. Assessed valuation, \$37,141,433; outstanding tax bonds, \$6,043,986; real-estate mortgages, \$12,500,000; 1927 flood losses, \$8,790,560.

District has been flooded on average of once every five years; levee grades changed three times since 1893. Five crevasses in this district's substandard levee line occurred during the 1927 flood, overflowing the entire district. The crevasses occurred at Cabin Teele, Winter Quarters, Glasscock, Brabston, and Bougere.

District is strictly agricultural, producing cotton, corn, and hay. As a result of the agricultural depression since 1919 and heavy flood losses,

farmers are all in debt and their credit is about exhausted. They have been unable to borrow money through the intermediate credit corporation. Estimated cost of adequate flood control is \$1 to \$20 per acre, depending upon which engineering plan is adopted. The district probably has exceeded its legal tax limit and can issue no more bonds or certificates of indebtedness. It has no means whatever of raising additional money.

Statement by F. H. Schneider, president fifth Louisiana levee board:

"All of revenues of board pledged according to law to fiscal agent for next two years or until sufficient funds accumulate to take care of certificates. Our ability to borrow has been exceeded beyond its legal limits.

"We have reached the limit of tax burden our people can bear without confiscation of property. Illustrating more forcibly the financial straits of the district, during the month of December the Government allotted \$100,000 to our district for necessary repair and maintenance of organization and equipment, with the proviso we should put up one-third, or \$33,333. This we could not do, so repair work and maintenance was halted and necessary preparation for high-water fight was delayed. Just yesterday we were enabled, by special ruling of the Mississippi River Commission, to establish credit with the Government by turning over to them our equity in levee machines and equipment which had been bought with contributory funds; in this way frozen funds were released and preparation, so far as the limited amount thus released would go, is being made to combat probable spring floods.

"A flood-control bill requiring local contributions will be of no benefit to us, for the reason our resources are pledged, the limit of our bonded indebtedness has been reached, and our people are staggering with overdue taxes, flood losses, and mortgage indebtedness to such an extent no further increase in revenues from the taxpayers can be expected."

STATEMENT BY ATCHAFALAYA BASIN LEVEE DISTRICT, LOUISIANA

District has 270 miles of levees, 122 miles on west bank of the Mississippi River, 5 miles on south bank of Old River, 61 miles on east bank of the Atchafalaya River, and 82 miles of levees on interior streams; 1,000,000 acres of cleared land in district. Assessed valuation, \$73,000,000; outstanding bonds, \$17,058,350; real-estate mortgages, \$20,250,000; 1927 flood losses, \$15,559,274.

District has been flooded eight times since 1876; levee grades changed three times. During the 1927 flood the district was overflowed by breaks in the levees on the Red River and Bayou des Glaisses levee districts, as well as by the Melville and McCrea crevasses in the Atchafalaya River levees.

District is primarily agricultural, producing sugar, rice, and cotton. It is known as the Sugar Bowl of Louisiana. It was the last district freed from flood water in 1927. Thousands of farmers could not return to their homes until August. It was then too late to produce any money crops. Farmers sought such employment as could be found and were assisted by the Red Cross. Their accumulations of a lifetime were swept away. Their credit is exhausted.

Estimated cost of adequate flood protection, using the Atchafalaya River as a spillway, is \$52,500,000. District unable to pay any part of this cost, as it has anticipated its revenues through 1934.

Witness: Andrew Gay, president board of commissioners Atchafalaya Basin levee district (p. 1298):

"The flood of 1927 will materially reduce the revenue of the district, and the necessity of meeting interest on outstanding indebtedness and the redemption of bonds and certificates as they fall due preclude continuance of levee construction and maintenance by the district. A number of uncompleted levee contracts will have to be abandoned by arrangement with the contractors. The high-water fight in 1927 cost the district almost \$250,000. The total spent on levee construction and maintenance since 1890, including contributions from the Mississippi River Commission and from the State of Louisiana itself, aggregates \$23,000,000. The local district is actually unable to carry on further.

"The people of this district are a courageous people and will come back if they are given a fair measure of protection against floods. Over 60,000 people were driven from their homes. The levee taxes are so burdensome that it is impossible for the district to contribute any further to flood protection. The people of Louisiana have borne this burden for many years, and they are no longer financially able to continue it. It would be literally impossible either for the district or for the State to furnish rights of way for the flood ways needed in Louisiana."

STATEMENT BY LAFORCHE BASIN LEVEE DISTRICT, LOUISIANA

District has 120 miles of levees on west bank of Mississippi River; 197,839 acres of cleared land in district. Assessed valuation, \$42,445,124; outstanding tax bonds, \$4,443,300; real-estate mortgages, \$12,500,000; 1927 flood losses, \$775,000.

Lower end of district was overflowed in 1927 by water through crevasse at Junior, La.

District is largely agricultural, and farmers have not made any money in nine years. District anticipated its 1928 revenues to make the high-water fight in 1927.

STATEMENT BY LAKE BORGNE BASIN LEVEE DISTRICT, LOUISIANA

District has 50 miles of levee on east bank of Mississippi River; 30,000 acres of cleared land in district. Assessed valuation, \$18,524,132; outstanding tax bonds, \$2,798,500; real-estate mortgages, \$3,097,950; 1927 flood losses, \$5,325,000.

District was flooded in 1922 and 1927. In the recent flood an artificial crevasse was made in the levee at Caernarvon to relieve the flood heights at New Orleans with the understanding that New Orleans would underwrite the resultant damages. Claims aggregating \$5,000,000 were subsequently assumed by the city of New Orleans. Levee grades have been changed four times.

District is largely agricultural, but trapping is an important industry. Crops produced are garden truck and rice. Farming has not been profitable recently. Farmers generally have no money or credit, and could not take advantage of loans through intermediate credit corporation.

STATEMENT BY ORLEANS LEVEE DISTRICT, LOUISIANA

District has 25.9 miles of levee on Mississippi River, protecting the city of New Orleans and Orleans Parish. Assessed valuation, \$585,987,165; outstanding tax bonds, \$60,813,300; real-estate mortgages, \$341,000,000; 1927 flood losses, \$600,000, caused by expenses of high-water fight.

This district covers a large metropolitan area and is solvent. Its levee grades have been changed three times.

STATEMENT BY PONTCHARTRAIN LEVEE DISTRICT, LOUISIANA

District has 125.4 miles of levee on east bank of Mississippi River; 250,000 acres of cleared land in district. Assessed valuation, \$43,243,177; outstanding bonds, \$3,683,865; real estate mortgages, \$8,110,000; 1927 flood losses, \$310,833.66, caused by expense of high-water fight.

Levee grades changed three times. District is largely agricultural, with numerous sugar and lumber mills and oil refineries. The principal crops are rice, sugar, corn, tobacco, and vegetables. Farmers have not made any money since 1919 and much land is now idle. Few were able to borrow money through the intermediate credit bank. District has anticipated its revenue for four years.

Pontchartrain levee line is immediately above the city of New Orleans on the Mississippi River and integrity of this district's levee line absolutely essential for safety of that city, as a break in the levee line within 20 miles of the city would flood New Orleans 5 to 10 feet deep.

Business conditions are poor, and in spite of the optimistic statements published by a few of the business leaders around January 1 to encourage an impoverished people, no sign of improvement is seen.

Any plan which depends on contributions of any amount whatever may as well not be adopted, as any plan dependent upon local contributions will be doomed to failure before and after its adoption.

In the case of this levee district it will require from 36 to 40 years to pay off and liquidate the present indebtedness of the board; and this indebtedness represents a sacrifice upon the part of a people which have made such an heroic fight in the past as to deserve the unstinted consideration and sympathy of the Federal Government.

Trust that a large majority of the Members of the present Congress will give heed to the plea of an impoverished people and adopt a plan that will give unconditional relief.

STATEMENT BY BOARD OF MISSISSIPPI LEVEE COMMISSIONERS, MISSISSIPPI

District has 198 miles of levees on the east bank of the Mississippi River; 701,346 acres of cleared land in district; assessed valuation, \$62,937,309; outstanding tax bonds, \$19,280,000; real-estate mortgages, \$36,011,142; 1927 flood losses, \$34,109,663.

District has been flooded 10 times since 1887. The most disastrous overflow was in 1927 when a standard grade and section levee at Mound Landing gave way, completely flooding the district. The water remained until July and only a few farmers were fortunate enough to make even a small crop; thousands of farmers were ruined; their property was destroyed; their credit exhausted; practically none was able to borrow money through intermediate credit corporation.

Estimated cost of adequate flood protection over \$3,000,000.

Statement by Ernest Kellner, secretary-treasurer, Board of Mississippi Levee Commissioners, Greenville, Miss.:

"Reasons why our levee district can make no further contribution to match Government allotments:

"Depleting the treasury of all funds and creating a deficit of \$110,769.10.

"The taxpayers' inability to pay amount of taxes due 1927, thereby making the district's revenue only a very nominal one.

"In this connection the financial status of the individual taxpayer prior to the flood must be considered. The deflation in prices of our farm products, i. e., cotton, during the years of 1920 and 1921, coupled together with prevailing prices less than cost of production during the succeeding years, practically bankrupt the taxpayer

and hence the large individual mortgage indebtedness, and upon this the flood in 1927, unable to raise any crops—cotton or foodstuffs—leaves the taxpayer in a bankrupt state, unable to meet his taxes or other obligations.

"The board with its reduced revenue is compelled to stop all levee work, and has no funds to make a high-water fight during this spring should it become necessary to do so.

"The cultivated lands, comprising some 701,000 acres of land, is at present burdened with a debt of \$78 per acre, which will render the floating of any additional loans extremely doubtful if not impossible."

Witness: J. S. Allen, representing the Board of Mississippi Levee Commissioners (p. 1260):

"The levee boards can no longer continue to pay, and unless the Government will assume full responsibility for protecting its own interest and that of its people against the ravages of its own waters, then the valley will prove a canker upon the heart of the Nation."

Witness: Walter Sillers, sr., Board of Mississippi Levee Commissioners (p. 1288):

"The district is financially unable to strengthen its levees. The people are almost ruined by taxes and the necessity of paying interest on indebtedness, in the face of the fact that they are unable to derive any revenue from their lands."

STATEMENT BY YAZOO-MISSISSIPPI DELTA LEVEE DISTRICT, MISSISSIPPI

District has 107 miles of levee on the east bank of Mississippi River; 1,185,000 acres of cleared land in district. Assessed valuation, \$115,000,000; outstanding tax bonds, \$27,020,000; real estate mortgages, \$60,000,000; 1927 flood losses, \$10,172,440.

This district is one of the largest on the river. Its financial condition is good. Many years ago the district began to build its own levees at its own expense. It has not received a dollar from the Mississippi River Commission for levee construction in 22 years. Moreover, it has voluntarily contributed some \$3,000,000 to the Mississippi River Commission for bank revetment. It has not had a break in its front line for 30 years, yet a break in a lower district levee in 1927 caused heavy damages in the upper district.

District is exclusively agricultural, producing cotton, corn, and hay. Since 1919, however, farmers have not made a profit from their operations. In the section of the district overflowed in 1927 the farmers have no money and little credit. They were unable to take advantage of intermediate credit corporation loans. They have no material income from other sources.

Estimated cost of adequate flood-control work \$2,000,000.

Statement by J. W. Cutrer, president Yazoo-Mississippi Levee Board:

"It is literally true that because of the terrific losses suffered by the people along the Mississippi River many are reduced to grave extremities and have lived with difficulty, being deprived of the opportunity to make any crops during the past year, and conditions are still most deplorable.

"Any provision which requires local contribution begs the entire question.

"The people of the Mississippi Valley are unable to contribute further to the prevention of destructive floods. The entire population is prostrated in practically every sense of the word. All of their land is pledged, mortgaged, and burdened with taxes, and defaults are almost as numerous as the encumbrances. The taxes which have been assessed for levee protection have been increased to the breaking point. Taxes have not only been levied on the river counties, but on the interior counties as well. In addition, there have been acre taxes, taxes on production, and even occupational and license taxes, and these for levee purposes only.

"The district has spent on levee construction over \$23,000,000, without Government aid."

STATEMENT BY REELFOOT LEVEE DISTRICT, TENNESSEE

District has 4.6 miles of levee on east bank of Mississippi River; 41,559 acres of cleared land in district; assessed valuation, \$2,753,406; outstanding tax bonds, \$810,000; real-estate mortgages, \$410,000.

District flooded on average of once every five years; levee grades changed once. District is exclusively agricultural, producing cotton, corn, alfalfa, and vegetables. Returns from agriculture since 1919 have not exceeded the cost of production. Taxpayers have no material income from other sources; their money and credit are about exhausted.

Estimated cost of adequate flood control about \$2,000,000, which district if enlarged would be wholly unable to raise. Levee should be extended 55 miles to afford protection for west Tennessee delta. Unprotected section has suffered heavily from increased flood heights due to higher levees across river in Arkansas.

Statement of W. B. Amberg, attorney, Reelfoot levee district:

"The limit of indebtedness which can be incurred was fixed at the time of organization of the district and can not be revised upward without reorganization and probably not then. It is now practically impossible to sell the remaining \$75,000 of bonds which have been authorized or any part of same.

"Annual requirement for amortization of bonds outstanding is \$13,266.10. Amount necessary to cover other expenses of the district is \$7,000 annually, making total annual requirements \$20,266.10.

"This amount exceeds the income for the past year by reason of poor tax collections."

Statement by A. E. Markham, secretary-treasurer Reelfoot levee district, Tiptonville, Tenn.:

"The Reelfoot levee district has no funds available except the annual assessments collected from year to year and this money is all needed to pay bonds and interest coupons. Bonds were sold in an amount authorized by the decree organizing and establishing the district sufficient to construct the Reelfoot levee in Tennessee, and the proceeds of such bonds have been used in said construction, leaving no surplus.

"The Fulton County levee board, in Kentucky, which has jurisdiction over the Kentucky part of the Reelfoot Levee, say that they have no funds available for further work and have reached their legal limit on taxes. We believe this to be true. The result is that the protective works in Tennessee are worthless unless the works in Kentucky are maintained, the levee protecting the two areas being a joint one in fact though not in law.

"Levee and drainage bonds in Tennessee are now practically unmarketable. Most of the drainage districts have defaulted in payment of interest and principal. There is only one levee district organized under the 'drainage law' in Tennessee, and by reason of this fact and the depressed condition of the territory in question there is no prospect of being able to sell bonds in the near future, if at all.

"During the past three years the low price of cotton, which is the principal crop in west Tennessee, and the damage and losses occasioned in 1927 by the flood in the Mississippi River, have brought about a financial depression of great seriousness. Until another crop is made, at a profit, it will be out of the question to attempt to raise money for levee construction, especially new construction.

"The burden of the people in the Mississippi flood plane on the Tennessee side has been consistently made greater each year by the construction of and enlargement of levees on the west side of the river. This has progressively raised the high-water stage in Tennessee. The funds of the United States Government have contributed to this condition. The building of the levee in Missouri north of New Madrid, almost completed in 1927, increased the normal stage on the east side of the river about 2 feet, adding to the normal cost of the high-water expense at least \$30,000. The expenditures for this purpose in Tennessee and Kentucky have used up all available funds."

STATEMENT OF FULTON COUNTY LEVEE BOARD, KENTUCKY

District has 18 miles of levee on east bank of Mississippi River; 20,000 acres of cleared land in district; assessed valuation, \$1,000,000; outstanding bonds, \$1,090,000; real estate mortgages, \$750,000.

District flooded in 1912 and many times prior thereto; levee grades changed three times. District almost entirely agricultural, producing corn, cotton, wheat, and alfalfa. Farmers have not made any money since 1919, and few have money or credit. Can pay no increased taxes.

Estimated cost of adequate flood control \$163,919, which district is wholly unable to raise.

More than one-third of the levee taxes of our own district for the year 1927 are now past due and delinquent, and with but very little prospect of them being paid without sale of property for taxes. Our levee is not up to standard. Our district is very deeply in debt, and without funds to do any improvement work on our levee.

Because of the enormous losses suffered by the people in the Mississippi Valley in the flood during the spring of 1927, many of them are bankrupt, and many unable to finance for the next crop. Many are even homeless and even destitute.

Witness: Roscoe Stone, representing the Fulton County levee district (p. 1075):

"The district grows some of the finest cotton in the world, for which there is always a market at high prices, but the moving of the farmers out and back and the loss of getting in a great deal of acreage has practically ruined the population financially."

THE JADWIN PLAN

1. Knowledge of Mississippi River necessary to devise comprehensive plan.
2. Scope of Jadwin plan.
3. Objections to engineering features of Jadwin plan.
4. General objection to the Jadwin plan.
5. Sufficient data not available to devise reliable and safe engineering plan.

USURPATION OF DUTIES OF MISSISSIPPI RIVER COMMISSION BY CHIEF OF ENGINEERS

The members of the committee were amazed to hear General Jadwin claim that he had exclusive authority to prepare plans for the flood control of the Mississippi River. He claimed this authority because of the rivers and harbors act of January 21, 1927, which authorized him to make a survey of the Mississippi River and certain of its tributaries, primarily to ascertain if the development of water power was feasible, and incidentally for flood-control purposes. However, no appropriation had been

made by Congress for the survey, and the Chief of Engineers clearly violated the law in undertaking to make this survey before the appropriation therefor was made available by Congress.

The act of June 28, 1879, creating the Mississippi River Commission, contains the following provision:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will * * * prevent destructive floods * * *; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress.

This provision of existing law was in no way repealed or superseded by the act of January 21, 1927, and is still in full force and effect. The Mississippi River Commission, therefore, is the only duly authorized agency empowered and directed by Congress to prepare flood-control plans on the Mississippi River. There is no law upon the statute books which authorizes the Chief of Engineers to call upon the Mississippi River Commission to submit to him its flood-control plans. On the other hand, the commission is specifically directed by law to submit its plans to the Secretary of War, who is directed to transmit the same to Congress, without giving him any discretion as to whether he approves of the commission's report or not.

Instead of the law as enacted by Congress being carried out, the Chief of Engineers took it upon himself to prepare a flood-control plan, expended a large sum of money never appropriated by Congress in doing so, called upon the Mississippi River Commission to submit its plan to him, and when received, suppressed it and transmitted his own plan to Congress through the Secretary of War and the President. In fact, it was not until General Jadwin was called upon by the Flood Control Committee of the House to transmit the Mississippi River Commission's report to it that the report saw the light of day, and when before the committee, the General charged that the committee had received the commission's plan "through the back door."

In order that the law might be complied with and that Congress have properly before it the report of its duly authorized agency for flood control on the Mississippi River, the chairman of the Flood Control Committee requested Colonel Potter, president of the commission, to send a copy of the commission's report to the Secretary of War, to be by him transmitted to Congress. This was done by Colonel Potter on February 15, 1928, but, to date, the Secretary of War has not seen fit to comply with the law, and has not transmitted the report to Congress.

The fact that in the report of the Chief of Engineers the Mississippi River Commission was relegated to a mere advisory capacity on flood control and as this report was approved by the Secretary of War and transmitted to Congress by the President, the committee not knowing upon what this radical action was based, did not care to go into an investigation as to the reason for that action, as a new commission could be provided that would be broad enough to include such of the personnel and organization of the Mississippi River Commission as would be found beneficial, and as might be transferred to it.

WHY PANAMA CANAL ACT WAS FOLLOWED

The problem of controlling the destructive flood waters of the Mississippi River is probably one of the biggest engineering projects the world has ever known, greater than the Panama Canal, and certainly greater than any other engineering project of modern times. Its importance to the country is such that the handling of the problem should be by an agency of such recognized engineering ability, talent, and experience that the entire Nation would have confidence in their acts.

This project is not the ordinary river and harbor project and should be taken out of the category of one of the thousands of duties now devolving upon the Chief of Engineers of the Army. Whoever is going to solve it should give his entire time and attention to the work.

With this in mind a search was made for a proper precedent and no better one could be found than that supplied by the building of the Panama Canal. Therefore, the bill follows closely the act creating the Isthmian Canal Commission and the organization used in the planning of the construction of the Panama Canal.

The bill adopts no specific engineering plan, but contains merely a general direction of the powers to enable the commission to do the work. Congress should not pass an act containing hard and fast rules in engineering directions that might have to be changed when the engineers got on the ground to do the work.

Why the Jadwin plan could not be adopted is explained very fully hereinafter.

1. KNOWLEDGE OF MISSISSIPPI RIVER NECESSARY TO DEVISE COMPREHENSIVE PLAN

WHOSE ADVICE SHOULD BE FOLLOWED IN MISSISSIPPI RIVER FLOOD-CONTROL MATTERS?

The committee was impressed by the fact, through the testimony offered, that not only does flood control and river improvement on the Mississippi River call for technical qualifications of a high order, but there are a multitude of problems that come up that require intimate knowledge and special information of local conditions to assist in the proper solution of these problems. It should be plainly evident that this special experience and the fund of information as added to from year to year should constitute perhaps a greater asset than technical proficiency alone with those engineers who are charged with directing the work of flood control on this river.

EXPERIENCE ON MISSISSIPPI RIVER ESSENTIAL

Hon. Dwight F. Davis, Secretary of War

(P. 3813)

Secretary DAVIS. I think not; because experience on the Mississippi River is essential to any engineer, I think, who must study the problem. The Mississippi River is a very ornery beast and it is different from any other engineering problem, as far as I know of, in the hydraulics of the world, probably, and from what I know, talking with citizens and engineers and everybody, it requires a great deal of actual experience on the river to come to an intelligent conclusion as far as actual advice is concerned.

SPECIAL QUALIFICATIONS REQUIRED OF ENGINEERS TO ENABLE THEM TO DEVELOP A METHOD OF FLOOD CONTROL

(P. 2112)

The CHAIRMAN. * * * You do not mean that it is necessary absolutely, for an engineer to have an intimate knowledge of the river in order to arrive at a flood-control report? You do not mean that, do you?

Colonel POTTER. I do.

The CHAIRMAN. * * * Is the Mississippi different from any other river?

Colonel POTTER. It seems to be. Formulas that apply to other rivers do not seem to work worth a cent on the Mississippi.

The CHAIRMAN. So you have to have Mississippi River hydraulics as well as other hydraulics?

Colonel POTTER. That is my opinion.

The CHAIRMAN. But his—an hydraulic engineer's—judgment would not be worth much unless he had an intimate relation with it?

Colonel POTTER. I would not want to characterize it that way.

The CHAIRMAN. It would be worth a lot, then?

Colonel POTTER. I think it would be worth a lot; but there are certain things we have learned about the Mississippi River that might—

Mr. COX. That only experience with the Mississippi could supply?

Colonel POTTER. Yes. Take the case of bottle necks. They are all talking about taking out bottle necks. When I first came on the river we took out the greatest bottle necks ever known on the river.

The CHAIRMAN. Where was that?

Colonel POTTER. Arkansas City. The distance between the levees was 0.85 mile, whereas the average was 3 or 4 miles, and the next narrowest place is $1\frac{1}{4}$ miles.

The CHAIRMAN. You are talking about bottle necks with reference to levees?

Colonel POTTER. Yes; we took out that bottle neck, and we expected a big decrease in flood level above that point. We got 0.9 of a foot above it, but got $3\frac{1}{2}$ feet below it, and we had the biggest fight of our lives to hold the levee above Greenville.

I do not think the hydraulic formula would show that, but I know we did it.

KNOWLEDGE OF RIVER NECESSARY TO PREPARE PLANS

Charles H. West

(P. 3053)

The CHAIRMAN. All right. Now, Colonel Potter testified to the effect that even expert engineers in civil life could not take flood-control data and reports and evidence, submit them to an examination and evolve or prepare a proper method of flood control for the Mississippi River without intimate connection with the river. Is that true in a general way, would you say?

Mr. WEST. I believe it is.

COLONEL POTTER'S QUALIFICATIONS AS AN ENGINEER ON MISSISSIPPI RIVER

SEVENTEEN YEARS ON MISSISSIPPI RIVER

(Pp. 2017, 2018)

Three years at Memphis as district engineer.

Secretary of Mississippi River Commission, 1010 to 1012.

District engineer, St. Paul, on Mississippi River, 1912 to 1915.

President Mississippi River Commission since March, 1920.

From 1911 to 1912 division engineer at St. Louis.

From the above it will be noted that Colonel Potter has had 17 years' experience on various kinds of works connected with the Mississippi River, and he is better qualified to prepare plans for the control of the flood waters than anyone connected with the Corps of Engineers.

QUALIFICATIONS OF CHARLES H. WEST AS AN ENGINEER AND EXPERT ON MISSISSIPPI RIVER

FORTY-EIGHT YEARS ON MISSISSIPPI RIVER

(P. 3041)

Graduate University of Illinois.

Member American Society Civil Engineers.

Member waterway division of American Society.

Member Mississippi River Commission, 1910 to 1928 (18 years).

Surveyor, inspector, and assistant under the Mississippi River Commission, engaged on works in Arkansas, northern Louisiana, and in Mississippi for a period of 18 years.

From 1898 to 1910 chief engineer Mississippi levee district.

From the above it is noted that Mr. West had 48 years' continual service as an engineer in connection with flood-control work on the Mississippi River.

GENERAL JADWIN'S EXPERIENCE ON MISSISSIPPI RIVER

MADE EIGHT VISITS TO MISSISSIPPI VALLEY

(Pp. 3561, 3564)

General JADWIN. * * * I * * * was assigned to duty at San Antonio as chief engineer of the Eighth Army Corps. While there, the big flood on the Mississippi occurred, and I went over to New Orleans—

The CHAIRMAN. What year was that, now?

General JADWIN. That was in 1922.

The CHAIRMAN. The flood of 1922?

General JADWIN. Yes, sir; the flood of 1922, and I went down to the break below New Orleans to see it.

The CHAIRMAN. That was known as Poydras at that time?

General JADWIN. Poydras break; yes, sir.

The CHAIRMAN. Now, General, we will start with April, 1927. Tell the committee when your attention was first called to the need of activity in your department in regard to the Mississippi River and its flood.

General JADWIN. I think probably, Mr. Reid, I became rather more than ordinarily interested at the time of the 1922 flood. It occurred to me that I should like very much to see that.

The CHAIRMAN. You are going to talk first about 1922?

General JADWIN. Yes, sir; it was a big flood, and that is the time I made the trip over to New Orleans to see the river in flood. That started me wondering as to whether the system under which the work was going was entirely proper. I had no official connection with it until I came into the office of the Chief of Engineers three and one-half years ago.

The CHAIRMAN. Just tell us in a general way from April, 1927, your connection with the Mississippi River flood, personally and officially.

General JADWIN. Yes, sir. * * * I made seven trips during that period, which were from April 24 to May 4; May 6 to May 12; June 1 to June 10; October 4 to October 14; October 27 to November 5; November 13 to November 25.

The CHAIRMAN. You made seven trips in all?

General JADWIN. Seven trips to the valley in connection at first with the relief work and starting concurrently the matter of studying on the plan for the amelioration of these floods.

2. SCOPE OF JADWIN PLAN

The report of the Chief of Engineers submitted to the committee for consideration a project providing for certain flood-control works between Commerce, Mo., and Head of the Passes, as sufficient to control a flood like that of 1927 or one 25 per cent greater as measured at Cairo, Ill., containing items covering the following:

First. Raising and strengthening the main levees on the Mississippi River.

Second. Bonnet Carre spillway.

Third. Atchafalaya flood way.

Fourth. Boeuf Basin flood way.

Fifth. Birds Point-New Madrid river-bank flood way.

6. Revetment for river improvement.

The report shows that the cost of these items will amount to \$296,400,000, of which the local interests are expected to pay \$37,440,000, which is 20 per cent of the cost of the items from 1 to 5, inclusive.

3. OBJECTIONS TO ENGINEERING FEATURES OF JADWIN PLAN

"SERIOUS REFLECTION ON GOVERNMENTAL AUTHORITIES RESPONSIBLE," SAYS LEADING ENGINEERING MAGAZINE

The following is an editorial appearing in the Engineering News-Record, March 8, 1928 (p. 386):

No progress

Moreover, with cost altogether disregarded, there remain fundamental doubts as to the technical soundness and efficacy of the plans—doubts clearly expressed by many engineers outside Government circles, and clearly enough realized by Members of Congress. The New Madrid flood way, shallow diversion channels a dozen miles wide the sufficiency of which was merely guessed at, reliance on haphazard crevasse formation to relieve an overburdened channel, levees flowing within a foot of the top in a great emergency, such elements of the plan utterly failed to engage that confidence vital to the undertaking of the great enterprise. That this should be the case is a serious reflection, indeed, on the governmental authorities responsible.

Confronted with these conditions, Congress must nevertheless act, if relief from the threat of disastrous floods is to be provided reasonably soon. If it can not act on the plan before it, then, obviously, it must create an organization competent to work out a dependable plan, with full and correct costs. Such information is indispensably necessary before the scope of the enterprise is capable of definition. At the same time actual work in the field will have to be started, even before the estimates are at hand.

A perusal of the objections made by distinguished engineers against the engineering features of the Jadwin plan and a reference to the proof in the record in support of their objections will convince any fair-minded person that the committee was entirely justified in refusing to adopt the Jadwin plan as a project or to include it as a part of legislation on flood control. The objections were made by engineers not only eminently qualified by education and training, but they were engineers of the highest standing in their profession. This, together with actual experience on the Mississippi River for many years, and the fact that their official positions impose upon them great responsibility for the safety of life and property in their districts, and since they were actually engaged in flood-control work year after year, there can be no doubt that their advice should be given great weight. Unless proper methods of flood control shall be adopted and executed, these engineers not only will suffer personal discomfort, but their districts will sustain great financial loss and their communities be exposed to ruin.

No better group of engineers, Army or civilian, on Mississippi River flood-control problems could be assembled, and no one can say truthfully that each did not know his subject.

Of all the engineers whose testimony is in the record, not one of them, aside from the Army engineers was willing to approve the Jadwin plan in its entirety, and many of them pointed out fatal defects, as may be seen in their testimony.

OBJECTIONS TO JADWIN PLAN OF EXPERIENCED RIVER ENGINEERS

Col. Charles L. Potter is president of the Mississippi River Commission with 17 years' experience on the Mississippi River and has been president of the commission for eight years. Capt. Charles H. West is the senior member of the Mississippi River Commission with 48 years' experience on the river and has been a member of the commission for 18 years. Both of these men are civil engineers of the highest reputation and this fact, coupled with their continuous service in fighting the destructive flood waters of the Mississippi River, makes their opinion on the engineering features carry great weight.

Both of these commissioners testified in regard to the engineering features of the Jadwin plan and characterized the fuse-plug device at the head of the flood ways, as proposed in his plan, as not dependable and likely to produce results not anticipated nor provided for. They suggested that more study should be given to the subject before any of the flood ways proposed by General Jadwin were constructed, as will be seen from the testimony hereinafter set forth (pp. 58-59, 61-63).

Speaking directly of the Birds-Point-New Madrid River bank flood way proposed by General Jadwin, Colonel Potter was of the opinion that it was not feasible from an engineering standpoint, as will be seen from his testimony hereinafter set forth (p. 63).

Mr. John Klorer, of New Orleans, an engineer of high standing and commissioner of public property of the city of New Orleans, with 30 years' experience fighting the flood waters of the Mississippi River, and during the 1927 flood directly

in charge of the protection of the city of New Orleans, characterized the Jadwin plan as being defective in the adoption of the fuse-plug levee, because it provided for no controlling works, because it failed to provide for disposing at Morgan City of the excess flood waters diverted from the Mississippi River, and on account of the insufficient factor of safety provided for the main river levees, as will be seen from his testimony hereinafter set forth (p. 65).

Walter Y. and James P. Kemper, engineers of high reputation with lifelong experience in fighting the lower Mississippi floods, objected to the Jadwin plan not only on account of the fuse-plug levees and uncontrolled spillways, but pointed out that so great an amount of water was to be thrown down the Atchafalaya Basin that it would be impossible for the basin to take care of it and would needlessly destroy thousands of productive acres, as will be seen from their testimony hereinafter set forth (pp. 61, 64-65).

L. T. Berthe, C. E., a consulting engineer of wide experience, in charge of flood-control protection for southeast Missouri, stated that the Jadwin plan was not only bad on account of the use of the fuse-plug levee device and the uncontrolled spillway, but that it would not do the things claimed and would leave the city of Cairo and southeast Missouri without adequate flood protection, as will be seen from his testimony hereinafter set forth (pp. 60, 64).

J. R. Adams, a member of the State Board of Engineers of Louisiana and for many years connected with the construction and maintenance of levees on the Mississippi River below the mouth of the Arkansas River, gave as his objection to the Jadwin plan the excessive amount of water diverted from the Mississippi River through the Boeuf flood way, which, in his opinion, exceeded the capacity of the flood ways to take care of, without causing damage almost the equivalent of a failure of the levee system, as will be seen from his testimony hereinafter set forth (p. 61).

J. S. Allen, chief engineer of the Board of Mississippi Levee Commissioners, with 38 years of experience in combating the floods of the Mississippi, 10 years of which was under the Mississippi River Commission and 28 years in association with the levee board, stated as his objection to the engineering features of Jadwin's plan that the fuse-plug levee will not function, questioning the probability of the fuse-plug crevasse opening the necessary width to permit the escape of a sufficient volume of the flood waters to relieve the main river, as will be seen from his testimony hereinafter set forth (p. 60).

Several chief engineers of transcontinental railroads traversing the Mississippi Valley, with many years' experience endeavoring to protect their lines from the ravages of the destructive floods, objected to the use of the fuse-plug levee as a new and untried device, the efficacy of which was doubted. Among these engineers, whose testimony is hereinafter set forth—pages 59, 60, 64, 66, 67—were the following: Hadley Baldwin, chief engineer of the Big Four system; E. F. Mitchell, chief engineer of the Texas & Pacific Railroad; E. A. Hadley, chief engineer of the Missouri Pacific Railroad; Harry Bortin, consulting engineer for the Louisiana Railway & Navigation Co.; Robert H. Ford, assistant chief engineer of the Rock Island lines; and a committee of the chief engineers of all the railroads operating in the Mississippi Valley, headed by A. F. Blaess, chief engineer of the Illinois Central Railroad.

The special flood-control committee of the American Engineering Council also raised the objection of the effects of the diversions proposed by General Jadwin and suggested further study, as will be seen from an extract from the committee's report hereinafter set forth—page 63.

EXPERIENCED RIVER ENGINEERS WHO SAY THAT MISSISSIPPI RIVER COMMISSION PLAN IS BETTER THAN JADWIN PLAN

As between the plan proposed by General Jadwin and that proposed by the Mississippi River Commission, there is a striking unanimity of opinion on the part of the civil engineers who are in close touch with flood problems in the Mississippi Valley that the plan proposed by the Mississippi River Commission is superior to the plan proposed by General Jadwin. That is the attitude of the following engineers:

W. L. Head: Chief engineer, Yazoo Mississippi Delta Levee Board, since 1918 (p. 4723).

George C. Schoenberger: Chief engineer of Louisiana; formerly with United States Government under the Mississippi River Commission in the fourth Mississippi River district, part of which time in local charge of levees, part of time on revetment work; 1917 to 1925, assistant State engineer of Louisiana, and member of board of State engineers in charge of levee work on the Mississippi River and Arkansas River from Pine Bluff to Red River; 1917 to present time, chief State engineer of Louisiana and member of board State engineers, executive

head of board and general charge of flood-control work for Louisiana (p. 4723).

S. P. Reynolds: Chief engineer St. Francis levee district of Missouri since 1908 (p. 4723).

R. B. Kohnke: Acting chief engineer of Orleans levee board; 1924 to 1926 assistant engineer Orleans levee board; from which time, acting chief (p. 4723).

W. E. Ayres: Consulting engineer with firm of Ayres & Miller, Memphis, Tenn., for past 15 years, work principally on drainage and flood control, State of Arkansas (p. 4723).

Lucius T. Berthe: Consulting engineer; civil engineer for 30 years; 22 years on hydroelectric power, drainage, and flood control; 3 years with J. D. Schuyler, a consulting engineer, in applied hydraulics, he having become nationally known for the development of the hydraulic-fill dam for water power (p. 4723).

J. S. Allen: Chief engineer Board of Mississippi Levee Commission; 38 years of experience—10 years in the Government service under the Mississippi River Commission and 28 years in association with the levee board, the last 6 years as its chief engineer (p. 4723).

John Klorer: Commissioner, Orleans levee board, and a civil engineer; from 1895 until 1912 in the employ of the United States engineer service in the Mississippi River Commission office of the fourth district, with the exception of three years employed on other work in Mexico, including surveys for river improvement by the Mexican Government; from 1912 until 1920 a member of the board of State engineers, State of Louisiana; in 1920 appointed city engineer of New Orleans and served in that position until May, 1925, at which time elected a member of the commission council (p. 4723).

H. M. Pharr: Chief engineer St. Francis levee district of Arkansas. With above levee district entire life; first as assistant engineer and now as chief engineer (p. 4723).

W. H. Hudson: Chief engineer Sny Island levee drainage district; 18 years' experience; 2 years on highway, 16 years drainage and flood-control work in the States of Arkansas and Missouri (p. 4723).

Henry Bortin: Consulting engineer for Louisiana Railway & Navigation Co. (p. 4040).

Hadley Baldwin: Chief engineer Cleveland, Cincinnati, Chicago & St. Louis Railway (p. 4036).

Robert H. Ford: Assistant engineer, chief engineer Rock Island lines, Chicago, Ill. (p. 4032).

E. A. Hadley: Chief engineer Missouri Pacific Railroad, member American Society of Civil Engineers; member Railroad Engineers Association; engaged principally on railroad work (p. 4028).

R. W. Barnes: Chief engineer, Southern Pacific lines (p. 4026).

E. F. Mitchell: Chief engineer of Texas & Pacific Railway Co.; practiced engineering since 1882; mostly railroad work; familiar with Arkansas-Louisiana floods; member American Society of Civil Engineers (p. 4014).

A. F. Blaess: Chief engineer Illinois Central Railroad, graduate University of Michigan, 1895; been with Illinois Central since 1897, in engineering department (p. 3758).

J. P. Kemper: Civil engineer; practiced all his life in Atchafalaya Basin (p. 4501).

Walter Y. Kemper: Civil engineer; practiced on Atchafalaya entire life (p. 4173).

J. R. Adams: Member Louisiana State board engineers; connected with work on Mississippi River since 1912 (p. 3016).

ENGINEERING OBJECTIONS IN GENERAL TO JADWIN PLAN

The main points of contention, as developed by the evidence of engineers were—

(1) That, by the failure to use regulating works of known capacity to divert the water from the main river, and the failure to control and confine the water after it left the main river would not only produce dire results on the communities through which the flood waters passed, but might fail to relieve the main river as expected, thereby causing crevasses on the main river.

(2) That the use of a fuse-plug levee device in the Jadwin plan as a substitute for a controlled engineering structure was said to be a radical and a doubtful departure from sound engineering practice. The results from its use were said to be highly problematical, inasmuch as there is no way of determining in advance the size of the opening made by the crevasse and therefore no sure way of estimating, much less limiting, the quantity of water that would pass through it.

(3) The fuse-plug levee is described as a low and weak section of the existing levee, and designed to break by the action of the flood waters. The history of the crevasses on the Mississippi River indicates that there is no way of telling how little or how

much water will escape through a crevasse, evidence being cited that in one case at least the river continued to rise after a crevasse had occurred instead of falling. Natural crevasses rarely exceed a mile in width. Flood waters making the crevasse sometimes dig what is known as a "blue hole" and let out great quantities of water uncontrolled, while other crevasses only produce small breaks and have little or no effect on the flood heights. An additional objection is made that the use of the fuse-plug levee device will subject the territory to secondary floods, causing needless damage on account of inability to close the crevasse before the second flood, as happened in 1927.

SPECIFIC ENGINEERING OBJECTIONS TO BIRDS POINT-NEW MADRID RIVER-BANK FLOOD WAY

The specific engineering objections urged against the Birds Point-New Madrid river-bank flood way proposed in the Jadwin plan were:

(1) The necessity under the Jadwin plan of the return of the water diverted at Birds Point to the Mississippi River at New Madrid will cause it to pile up at the latter point, thus reducing the slope and velocity and resulting capacity of both flood way and main river to such extent that the actual lowering of flood height at Cairo will not be 6 feet as needed but probably only 3 feet in periods of maximum floods.

(2) That this objection is well founded, the flood of 1913 was cited to show that in that year the waters flowed through this location 15 miles wide, or three times wider than the proposed one, with an average depth of 6 feet and operating as a result of 11 crevasses near Birds Point and failed to reduce the Cairo gauge more than 3 feet.

(3) That this objection was well founded, attention is called to the fact that Colonel Potter testified that he did not consider the project feasible from an engineering standpoint.

(4) A still further objection to the plan is that should it accomplish the results anticipated in the Jadwin plan, Cairo would still be without adequate protection, pointing out that the maximum flood brings the water to the very top of the levee.

(5) Attention is called to General Jadwin's testimony whereby he modified his plan during the hearings by substituting 10 miles of fuse-plug levees at the north and south ends instead of cutting down the entire 70 miles of levee from 58 to 55 feet, as indicated in his written report, thereby calling forth further objection to the use of the fuse-plug levees condemned as bad from an engineering standpoint.

SPECIFIC ENGINEERING OBJECTIONS TO BOEUF BASIN FLOOD WAY

The specific engineering objections urged against the Boeuf Basin flood way proposed in the Jadwin plan were:

(1) It is needlessly wasteful of land and endangers cities and communities. Within this area there are 70,000 people whose lives would be endangered by the rush of water through the confined channel.

(2) The side levees along the flood way are constructed with lesser cross section and strength than standard levees.

(3) The backwater area is needlessly increased by inundating a section of the country that is very rarely flooded.

(4) The flood way, only being subjected to water once in 12 years, would possibly cause the side levees to fail with a rapid rise of water in the flood way.

(5) The fuse-plug levee instead of the control device is objectionable for the reasons heretofore stated.

(6) Failure of the fuse-plug device to limit the amount of water might cause the overtopping and failure of the guide levees along the flood way.

(7) General Jadwin's plan and testimony shows that the flood way will be an average of 120 miles long and 13 miles wide and that when flowing to capacity the water in the flood way will be 20 feet deep. The comment is made that, if such be true, the depth of water will overtop the ridges on both sides of the flood way at points where no guide levees are provided, thus flooding the entire territory over to the Mississippi River on the east and menacing with overflow the towns of Colliston, Merrouge, and Gallion, and adjacent territory on the west.

(8) That the backwater from the Boeuf Basin flood way will go around the end of the west guide levee near the Ouachita River and submerge the town of Columbia and probably the city of Monroe.

(9) Failure of General Jadwin to provide plan for levees as in the Mississippi River Commission plan to limit increased backwater effects accruing from flood-way flow will subject to backwater flooding the towns of Vidalia, Ferriday, Clayton, Waterproof, and surrounding territory, which area would not otherwise be flooded. Attention is called to the fact that the Mississippi River Commission has met this condition by the construction of auxiliary levee beginning at Bougere on the Mississippi River and extending northwesterly along the Tensas River.

In the discussion of the diversion channel or flood way from the mouth of the Arkansas River to the mouth of the Red River, it has been referred to in the various reports submitted, and in the testimony before the committee by several names, viz, Cypress Creek diversion, Boeuf Basin flood way, and Tensas Basin flood way.

It should be stated in explanation that the old mouth of Cypress Creek, Ark., located about 25 miles below the Arkansas River and about 12 miles above Arkansas City, is the site selected for the upper end of the proposed flood way, and for that reason perhaps the proposed floodway has been designated as the Cypress Creek flood way by some persons. Other persons have designated it as the Tensas flood way for the reason perhaps that the greater part of its length is in what is known as the Tensas levee district.

A much more correct designation is the Boeuf diversion or Boeuf River diversion, for the reason that the Boeuf River is the axis of the flood way for practically its entire length.

SPECIFIC ENGINEERING OBJECTIONS TO ATCHAFALAYA FLOOD WAY

The specific engineering objections urged against the Atchafalaya flood way proposed in the Jadwin plan were:

(1) Fuse-plug device objections as heretofore stated.
(2) Both the failure to provide continuous levees and to extend them far enough to the south needlessly subjects large areas to overflow and will submerge certain towns which should be protected.

(3) That the towns of Melville, Simmesport, and Morgan City are in the path of the flood way and are not sufficiently protected for the reason that the flood waters might surround the towns, and if the levee should fail on account of not being seasoned, the entire town would be destroyed and the people might be cut off from escape.

(4) That the amount of water diverted down the Atchafalaya section is in excess of the discharge capacity of the lower end of the Atchafalaya flood way. The Jadwin plan makes no provision for taking care of this excess which is about 500,000 cubic feet per second, or the equivalent of one-third the high-water discharge of the Mississippi River in front of New Orleans.

(5) The openings left in the levees for drainage on the west line of guide levees are at Bayou Rouge and Courtableau; and on the east flood way at the head of Grand River, permitting overflow of valuable farm lands intended to be protected.

TESTIMONY AGAINST JADWIN PLAN

The following is the testimony of civil engineers referred to above, with long experience on the Mississippi River, concerning the impracticability of the Jadwin plan:

FUSE-PLUG LEVEES

DISCHARGE THROUGH CONCRETE SPILLWAY CAN BE DETERMINED EXACTLY;
DISCHARGE THROUGH A FUSE-PLUG OPENING NOT DETERMINABLE IN ADVANCE

Colonel Potter

(P. 2365)

The CHAIRMAN. Well, I would like to have you tell us why the Mississippi River Commission plan includes a spillway constructed at Cypress Creek at an estimated cost of \$9,000,000, where the Army plan provides for a fuse-plug levee section at the same location. Tell the committee why the commission elected to spend \$9,000,000 constructing this spillway if a fuse-plug levee will do the work, and be much cheaper, and at the same time be engineeringly correct.

Colonel POTTER. We thought the water should not go out, or should not continue to run out through that spillway clear down to the bank-full stage, and possibly below that, if there was a crevasse or hole through there, and we wanted it to automatically shut itself off at a certain level, 54.4 feet, I think it was.

The CHAIRMAN. Is there any way to tell the amount of water that will go through your concrete spillway that costs \$9,000,000?

Colonel POTTER. You can tell exactly, at any stage.

The CHAIRMAN. And that is not true with regard to the fuse-plug levee, is it?

Colonel POTTER. No; because you do not know how wide it is going to be. It is like a crevasse. You can measure a crevasse after it starts, but you can not estimate in advance how much the crevasse is going to take.

The CHAIRMAN. That is what I say. There is no way that you know of that you can anticipate the amount of reduction in flood height with a fuse-plug levee, is there?

Colonel POTTER. I know of no way; no, sir.

The CHAIRMAN. Would it be possible to know the various flood heights at different points along the river through the use of a fuse-plug levee?

Colonel POTTER. Well, of course, the flood heights would depend upon the amount of water that goes through.

The CHAIRMAN. That is what I say. So it would be an unknown factor until the water was actually coming through, would it not?

Colonel POTTER. Until the water was actually coming through.

(P. 2366)

The CHAIRMAN. There is no dependence that can be placed upon it, then, is there?

Colonel POTTER. Well, the only lack of dependence is the inability to gauge in advance the amount of water that will go through that flood way.

Colonel POTTER. There should be something at either end of it to limit its width.

The CHAIRMAN. Yes.

Colonel POTTER. But whether it will be the full width of the opening or not, I do not think anybody can tell in advance.

The CHAIRMAN. That is what I mean.

Colonel POTTER. But it would be flowing over that thing, and would probably break the whole length of it, and might cut into the levee unless it would be controlled in some way at the ends—into the real levee, I mean.

(P. 2367)

The CHAIRMAN. All right. Now, is there any difference in the effectiveness of a crevasse, in the ordinary sense of the word, and an opening created by a controlled spillway?

Colonel POTTER. Well, the crevasse is liable to become more effective by extending beyond the limits set for it.

The CHAIRMAN. All right. And has it not sometimes happened that it becomes less effective?

Colonel POTTER. It might become less effective.

The CHAIRMAN. You remember the Torras crevasse in 1912, do you not?

Colonel POTTER. Yes.

The CHAIRMAN. Tell the committee what the effect was there. Did the gauge height continue to increase after the Torras crevasse?

Colonel POTTER. Yes, sir.

The CHAIRMAN. That is true, is it not?

Colonel POTTER. Yes, sir. More water was coming down than went through it, evidently.

COULD NEVER ANTICIPATE QUANTITY OF WATER

By Harry Bortin, consulting engineer for the Louisiana Railway & Navigation Co.

(P. 4042)

The CHAIRMAN. I will ask you another way: Do you believe uncontrolled spillways can be made to work, or can protect against a flood that might come, or the water that might come from it?

Mr. BORTIN. Answering your question, Mr. Chairman, I am very much inclined to agree with Mr. Grunsky, that in all work of such large importance it is very essential to predetermine the places where your spillways will be, and have them in the form of concrete weirs, and determine the exact places where your flood ways will be, and the exact area, and economic situation of the properties that will be effected; and I believe that when a survey of that kind is thoroughly and exhaustively made, the problem will resolve itself into a simpler aspect, which will enable it to be better solved.

The CHAIRMAN. I will ask you again, do you think water coming through an uncontrolled spillway could be anticipated so that you would know that your railroad would be safe in the path of it?

Mr. BORTIN. You would never know, in my opinion.

The CHAIRMAN. All right.

Mr. BORTIN. In fact, people at the present time have an opportunity to fight the flood. Say it only goes 6 inches above your fuse-plug levees, I can see where people would not be able to do anything, or, if anything at all, then perhaps it would be too late.

CAN NOT ESTIMATE DISCHARGE THROUGH FUSE-PLUG LEVEE

E. A. Hadley, chief engineer, Missouri-Pacific Railroad

(P. 4031)

Mr. WILSON. If a fuse-plug levee blew out and became a crevasse, you couldn't estimate the amount of water you would get, could you?

Mr. HADLEY. No; there would be no way of estimating that * * * and, together with other engineers who have testified here, have never heard of a fuse-plug levee until I read this report.

NEVER HEARD OF FUSE-PLUG LEVEES

By E. F. Mitchell, chief engineer, Texas & Pacific Railroad

(P. 4015)

The CHAIRMAN. * * * Had you ever heard of a fuse-plug levee before the Jadwin report?

Mr. MITCHELL. I never had heard of one until I read that in the Jadwin report, but I think I understand what is meant by it, just the

levees as they exist at their present height, to be overtopped or perhaps blow out from any of the overflows.

FUSE-PLUG LEVEES WILL NOT FUNCTION PROPERLY

By J. S. Allen, chief engineer, Mississippi levee commissioners
(P. 4668)

In my opinion, based on 38 years of service on the levees, the so-called "fuse-plug" in the vicinity of Arkansas City will not function upon the terms assumed—i. e., 900,000 second-feet—no break (and the fuse plug is assumed to break) within my knowledge has ever discharged 600,000 second-feet. For instance, it is estimated that the flow down the Tensas Basin coming from the breaks at South Bend, Pendleton, and Melford during the flood of 1927 was about 600,000 second-feet (three breaks, mind you). Then, how can one break in the "fuse plug" amount to so much unless artificially widened? I claim that this can not be successfully done, because the velocity of the flow after the flood way is filled will not be strong enough to remove the material on the ends of the break, after being dynamited, to any appreciable extent. (The artificial crevasse at Caernaryon is illustrative.)

(P. 4669)

The plan is not based upon sound engineering principles, but is based on the assumption that a crevasse will occur in a levee some 15 or 20 miles in length at some time, and that this crevasse will bring about a given result, which assumption is not borne out by the records.

MAY BE NECESSARY TO USE DYNAMITE

By Lucius T. Berthe, consulting engineer
(P. 3004)

Mr. WHITTINGTON. If you do not mind, will you tell us what a fuse-plug levee is, how it differs from any other levee?

Mr. BERTHE. I had never heard of a fuse-plug levee, in exactly those terms, until the Army engineers' plan was published. * * * It is intended to operate something like a safety valve. It is intended to hold a certain portion, and when it gets over that certain portion it blows up. * * *

The CHAIRMAN. * * * You can not tell whether that will fuse or not, can you?

Mr. BERTHE. You can not tell that; no.

The CHAIRMAN. And if it is a buckshot levee, what about that?

Mr. BERTHE. If it is a buckshot levee, it might not open up for days, and it might necessitate the use of dynamite to open it up. If you have a sharp, quick rise, it may be entirely ineffective and you lose your main levee anyway. When a safety valve is put in for that purpose, it ought to be very definite, so you know when it is going to operate. In this case you do not know.

Mr. BERTHE. * * * One of those fuse plugs does go by Arkansas City and the city would be protected by a ring levee. Supposing the crevasse would occur close to the ring levee. It is a very probable matter that it would eat on the end until it cut into the main levee protecting the city. * * *

The CHAIRMAN. Now, tell the committee this: You got at Arkansas City all the people in there inside of a ring levee.

Mr. BERTHE. Yes.

The CHAIRMAN. And if what you say might happen occurred it would eat down to the ring levee?

Mr. BERTHE. If a crevasse occurred right close to the ring levee, it might be very difficult and it might be impossible to protect that ring levee from cutting and the city would be flooded.

The CHAIRMAN. And if surrounded by water they would be unable to escape.

Mr. BERTHE. They would be unable to escape, unless they had enough levee left to get out on.

BOEUF BASIN FLOOD WAY

FLOOD WAY WOULD BE REQUIRED TO CARRY 50 PER CENT OR MORE THAN 1927 CREVASSE VOLUME
Colonel Potter
(P. 4529)

Mr. WILSON. Colonel, would it be possible, in your judgment, to divert through the Boeuf spillway 900,000 second-feet of water and give it the same or greater protection than it now has?

Colonel POTTER. I can not see that we could do it. If you are going to divert the water through it or use it as a spillway, it is sure to be flooded in certain years in addition to what it now is. There has been no water through there; there was no water through there in 1922, so it was not affected in 1922. If it had not been for the breaks on the Arkansas River where the levees, we admit, were not built up to grade or section, because they had been built but not finished and were built against Arkansas River floods, there would have been no flow down there in 1927.

Mr. WILSON. And if you put 900,000 feet there, that is more than what went through this year, is it not?

Colonel POTTER. Oh, yes, sir; much greater; 50 per cent more and probably more than that.

FEARS GREATER DISCHARGE IN FLOOD WAY THAN CALCULATED QUANTITY

By J. R. Adams, assistant State engineer of Louisiana
(P. 3016)

The plan (for the Boeuf River flood way) provides that the water will enter the flood way through a fuse-plug levee. By this it is meant that some 25 or 30 miles of this levee will be left in its present weakened condition. * * * The idea is * * * that in periods of floods, greater than that of 1922, the water will flow over the top of this 30 miles of levee until the levee has failed or crevassed in some one or more places. * * * No one can safely say how many breaks would occur, what the extent of the break will be, or what the amount of the water discharged through these breaks would be. It is conceivable that in the event of a flood of larger proportions than the 1922 flood that there might be breaks in this levee line sufficient to discharge more than 900,000 cubic feet per second into this flood way.

BOEUF BASIN WOULD BE FLOODED EVERY THIRD YEAR

J. P. Kemper
(P. 2870)

Mr. KEMPER. Under those conditions the fuse-plug levee at Cypress Creek would have "blown" in 1912, 1913, 1916, 1920, 1922, and 1927, or about every third year. That can be expected; that the water will go into the Boeuf Basin every third year under the Jadwin plan.

And still General Jadwin says that the Bayou Boeuf flood way would, under his plan, have as much protection as it now has.

COMMENTS ON DIVERSIONS

RESERVOIRS SHOULD BE INVESTIGATED BEFORE FLOOD WAYS CONSTRUCTED

By Colonel Potter
(P. 2108)

Colonel POTTER. * * * I want some time to study it and see if certain other features can not be brought in to reduce the cost or make the plan more feasible.

The CHAIRMAN. What have you in mind?

Colonel POTTER. I have strongly in mind reservoirs on the Arkansas and White Rivers and other tributaries.

The CHAIRMAN. What else have you got in mind?

Colonel POTTER. That is principally the thing. * * *

I believe there is a possibility of control of the Arkansas and White so as to avoid these spillways and flood ways. * * *

I would not put anything of that kind on those people until I had made a thorough study. * * * But I can tell you now that I would rather live behind that levee with a 4-foot raise and a 12-foot crown and a 6-to-1 slope on the back side and a 4 to 1 on the front side, and the right to fight for my life and property than to have that thing put down on me.

(P. 2295)

Mr. WILSON. Then if you had this reservoir storage of 600,000 feet up the Arkansas and White, that would relieve the amount of water collected from Old River to go down the Mississippi and the Atchafalaya to that extent, wouldn't it?

Colonel POTTER. Just as much as at Cypress Creek.

Mr. WILSON. The Cypress Creek will be the same as the source of the Atchafalaya, which will be divided between the Atchafalaya and the main river to carry on down.

Colonel POTTER. That is the reason I would study the Arkansas before I would put in the Tensas Basin flood way or the Atchafalaya flood way.

DIVERSIONS CONSIDERED LAST RESORT

By Mr. West
(P. 3058-3059)

The CHAIRMAN. Now, Colonel Potter's testimony developed the fact that he was not entirely in sympathy with the idea of the proposed flood way through the Tensas Basin as a means of reducing flood heights at Arkansas City. His statements are to the effect that he was almost disposed to sign a minority report on this particular item. Now, has your study, has your investigation of this particular point, been sufficiently extensive to justify your recording your opinion one way or the other as to the practicability of making use of reservoirs in the Arkansas and White Valleys in preference to the recommended flood way?

Mr. WEST. If reservoirs could be found that would reduce the discharge in the main river at the mouth of the Arkansas River as much as the diversion would reduce it, and even though the reservoirs would cost more than the diversion, it would be infinitely better for the whole problem. It would save the million or two, or more, acres that the flood way would destroy. It would be better for the river itself, because diversions are not good, except as a last resort, to save leveeing further. They are not good for the development of the stream itself, and unless they are absolutely controlled at the head, the entrance, and

throughout, they can be more harmful, perhaps, in the long run than they will be beneficial.

The CHAIRMAN. Well, now, the question was—

Mr. WEST. So I only look upon diversion as a matter of last resort.

The CHAIRMAN. All right. Now, the question was this: Has your study and investigation on this particular thing been sufficient to justify you in stating your opinion that it is necessary to proceed with the flood ways at this time—

Mr. WEST. No.

The CHAIRMAN. Or do you incline to agree with Colonel Potter? What is your answer?

Mr. WEST. We suggested in our report that we needed more time to study this particular question, to balance reservoirs against flood ways. I do not think that there would be any time lost in the construction of the whole structure by giving time for that study. It would only delay the time of beginning the flood ways, and the balance of your work would take longer than to construct the flood ways, so that the flood ways could be completed even though you delayed a year or two; they could be completed before you could complete the necessary work along the main river. Then why hurry and make a possible mistake? Why not make a more exhaustive investigation and study of the possibilities of reservoirs?

The CHAIRMAN. All right. Then you are inclined to agree with Colonel Potter in that, are you?

Mr. WEST. I fully agree with Colonel Potter in that; yes, sir.

FURTHER STUDY RECOMMENDED OF DIVERSION CHANNELS

(By flood-control committee of American Engineering Council)

(P. 4919)

The adoption of any specific plans for diversion channels should wait upon far more complete studies of the areas involved and of the probable effects of such diversions.

UNCONTROLLED SPILLWAYS

COLONEL TOWNSEND, PAST PRESIDENT MISSISSIPPI RIVER COMMISSION, OPPOSED UNCONTROLLED SPILLWAYS

Walter Y. Kemper, quoting Colonel Townsend

(P. 4187)

Now, as to controlled spillways, Colonel Townsend says:

"* * * the spillway prevents any escape of water below a predetermined stage, thus protecting the navigable channel during low water from an injurious reduction in flow; it also gradually increases its discharge as the river rises, and does not cause any violent changes in velocity even at high stages; a crevasse, on the contrary, suddenly permits a large volume of water to escape from the river at a high stage, and suddenly increases river velocities above it by the rush of water to the crevasse while it checks velocities below it by diminishing the effective head which is forcing the water toward the sea."

CAIRO-NEW MADRID FLOOD WAY

NOT FEASIBLE FROM AN ENGINEERING OR FINANCIAL STANDPOINT

By Colonel Potter

(P. 2116)

The CHAIRMAN. You do not consider the problem at Cairo very serious, then?

Colonel POTTER. It is in a bad locality for floods, but I do not look for the danger of Cairo being overtopped. I do not look on it as anywhere near as probable as a great many people do.

The CHAIRMAN. As a matter of fact, you do not consider it serious enough to set the levees back 5 miles in order to relieve it?

Colonel POTTER. I do not.

The CHAIRMAN. Or do you think the 5-mile setback and the removing of the bottle necks will relieve it?

Colonel POTTER. I do not.

The CHAIRMAN. Neither one?

Colonel POTTER. I do not think that the proposed flood way to the west is either feasible from an engineering standpoint or from a financial standpoint.

(P. 2456)

Mr. NELSON. But that would be an average interval between floods of about what?

Colonel POTTER. If we start in 1910 * * * four floods in 17 years.

Mr. NELSON. Assuming a flood came this often, what would be the effect on the levee?

Colonel POTTER. There would not be any levee left after any one flood. We had a case at Vicksburg where the water this year overtopped a levee which went across to prevent the circulation of water around West Pass, and the water on either side of it I do not believe differed by a foot. It tore that levee all to pieces and bored holes into the ground 46 feet deep, below the ground level. If you start a flood over the top of a levee it is going to tear that levee all to pieces.

PREDICTS HIGHER LEVEL OF WATER AT CAIRO WHEN JADWIN PLAN IS COMPLETED

Hadley Baldwin, chief engineer Cleveland, Cincinnati, Chicago & St. Louis Railway

(P. 4037)

Mr. COX. Might I interrupt you just there? I did not understand that the flood levels are raised at Cairo. They are simply greater freeboard than raising of levels, etc.

Mr. BALDWIN. For a given flood, for a given volume of water passing Cairo when the Jadwin plan is completed, if it is completed and its integrity is established, there will be a higher level of water fixed for Cairo than in any situation that has ever happened before.

NO PROTECTION PROVIDED FOR CAIRO AGAINST THE MAXIMUM FLOOD PREDICTED

By L. T. Berthe, consulting engineer

Summarizing the various features of the Army plan we find that the same is not only economically unfeasible but contains serious and dangerous engineering experiments. We find that regardless of the fact that it purports to be and is put forward as an ultimate or comprehensive plan, that the actual net effects only give a normal protection against a 1927 flood and that such degree of protection, if any, which will be afforded by such works against the greatest predicted flood as cited in that report is entirely problematical, except as related to the city of Cairo and the communities across the river in Missouri where no protection is provided against such predicted flood, but instead those communities are sentenced to the inevitable disaster when it occurs.

ATCHAFALAYA FLOOD WAY

SIX INCORPORATED TOWNS TO BE FLOODED

By J. P. Kemper

(Pp. 2853, 2854)

The effect of this will be to submerge more than a million acres of cultivable land, of which at least half is in cultivation, 250 miles of railroad, by severing four main lines into New Orleans, entirely interrupting communication from the west, overwhelming the great Southern Pacific bridge at Morgan City, as well as its other bridge over the upper Atchafalaya River and numerous smaller bridges.

The railroads are notified, vaguely, in the plan to open up and raise their roadbeds, presumably at their own expense, clearly without expense to the Government.

Over 400 miles of highways will be subjected to inundation, including 85 miles of the Jefferson Highway between New Orleans and Winnipeg and 50 miles of the Old Spanish Trail between New Orleans and California.

There will be subjected to inundation six incorporated towns of from 300 to 5,000 inhabitants. The plan proposes to isolate three of these with ring levees, the towns paying half the cost. The other three—Berwick, Patterson, and Franklin—do not appear to be provided for. Within the area proposed to be submerged are no less than eight large sawmills, with a daily capacity of 600,000 board feet, and numerous small mills.

MORE WATER SENT DOWN ATCHAFALAYA BASIN THAN COULD BE SAFELY CARRIED

By Walter Y. Kemper, civil engineer, Franklin, La.

(P. 4173)

The CHAIRMAN. Mr. Kopp asked the specific question as to what the objections were to each plan. Don't go into details, but just tell generally what you think about the plans.

Mr. KEMPER. The principal objection to the Jadwin plan, so far as the Atchafalaya Basin is concerned, is that it attempts to put more water into the Atchafalaya Basin than can be safely carried through it. I don't think any system of levees can be built that will carry that amount of water safely through the basin. They attempt to carry that water through by a system of levees that is only partial, and I heard the general testify to-day that there would be no backwater in this locality here.

ENGINEERING OBJECTIONS IN GENERAL

PROPERTY RIGHTS DISREGARDED IN BOEUF AND ATCHAFALAYA FLOOD WAY PLAN

By John Klorer

(P. 4768-4769)

I have your letter requesting me to state concisely my views on the Jadwin flood-control plan and also on the plan submitted by the Mississippi River Commission.

To begin with, I have no hesitation in saying that in my opinion the plan of the Mississippi River Commission is the more satisfactory one offered as the solution of the flood-control problem. It provides for a greater margin of safety in its levee grades and introduces no questionable departures from engineering practice on the Mississippi River, such as are proposed in the Jadwin plan, and which, in my opinion, will be disappointing in the results expected.

I have discussed some of the features of this plan with civilian engineers of long experience and who are familiar with the Mississippi River problem from Cairo to the Gulf, and these engineers are practically of one mind, and that is that the Jadwin plan fails to meet the requirements of the situation.

To be specific and beginning at the upper end of the valley, let us discuss the situation in the vicinity of Cairo. General Jadwin uses in the design of his plan the maximum probable future flood height confined by levees, as submitted by United States Weather Bureau, and estimated at 66 feet on the Cairo gauge. In paragraph 13 of his report he states:

"The serious problem begins at Cairo at the confluence of the Ohio and the Mississippi. From here to New Madrid the main levee on the west bank chokes the river unduly and should be set back sufficiently to lower the head of water by 6 feet in an extreme flood."

From the information furnished me as to the depth of water over this proposed flood-way area, and which information was supplied by Mr. Berthe, the engineer for the particular levee district affected, it is questionable if the desired discharge and, therefore, the expected reduction on the Cairo gauge will materialize. But even should it materialize, the proposed reduction brings the flood line to elevation 60 feet, which is the top of the levee at Cairo, and leaves the Cairo levees without any freeboard.

The precarious situation of Cairo with its 15,000 lives, which is emphasized in several places throughout the Chief of Engineers' report, does not seem to be much improved by resorting to the heroic methods proposed at the expense of the people in Missouri.

The outstanding fundamental principle upon which General Jadwin's plan rests is the efficacy of fuse-plug levees that are expected to break at the head of flood ways and expected to give certain stipulated discharges through these flood ways. The quantities calculated to go through these fuse-plug openings are large quantities—900,000 cubic feet per second in the instance of the Boeuf flood way and 1,500,000 cubic feet per second in the instance of the Atchafalaya flood way. If these quantities do not go through these respective flood ways the difference must go down the main stem of the river and will affect flood heights accordingly. Should the actual quantity diverted through the Atchafalaya flood way, for example, be as little as 10 per cent below the estimated quantity, then the amount involved in this small percentage, viz, 150,000 cubic feet per second, is equivalent to 2.5 feet increase on the Angola gauge, while the margin or freeboard provided for by General Jadwin on the lower Mississippi River improved levees is only 3 feet.

I wish to invite your attention to the fact that there are no controlling works of any kind at the head of the Atchafalaya flood way that will limit the flow of the water into the Atchafalaya Basin, so as not to exceed a predetermined definite quantity, or that will induce it to enter the said basin up to any predetermined definite quantity. To assume that the flow of water past the latitude of Red River Landing will crevasse the "fuse-plug" levees, and will divide in the orderly and well-behaved manner proposed in the Jadwin plan—one-half going down the main river and one-half down the flood way—without having a protected and controlled opening of known dimensions, and will so divide, simply on the dictum of a person, is to attribute to that person the powers that King Canute aspired to when he ordered the sea tides to subside.

I wish also to invite your attention to the totally inadequate provisions made in the Jadwin plan at the lower end of the flood way for getting this water to the Gulf with minimum damage. It is practically dumped at Morgan City with the assumption that it will get out some way, somehow.

The same disregard for the rights of property is shown in the Boeuf flood way, passing through the Tensas district, where the water is dumped at the lower end of the basin in such quantities as to flood 285,000 acres of land not now affected by backwater overflow, and which could be protected by the construction of an auxiliary levee as provided for in the plan of the Mississippi River Commission. It is not urged that the acreage now flooded by backwater in such floods as 1927 be reduced, but it is urged that no additional land be surrendered to backwater.

This particular basin, comprising the southeast Arkansas district, the Tensas district, and the fifth Louisiana district, and having a total combined acreage of 3,517,626 acres, will have 2,525,000 acres dedicated to flooding purposes, including the 1,440,000 acres within the limits of the Boeuf flood way, as shown in the Jadwin plan, and the additional area flooded by the Jadwin plan over and above the area to be flooded by the Mississippi River Commission plan is 625,000 acres.

I can not help believing that if the factor of resultant damages had been considered in the preparation of the plan, irrespective as to who was to pay such damages, the plan would be materially different.

With reference to the plan submitted by the Mississippi River Commission, I believe the outline of work provided for and designated at its "comprehensive plan" will remove all our future flood troubles. There is a proposed modification that has appealed to me, and this as a result

of the statement of Colonel Potter that he believed that there may be a possibility of utilizing available reservoir sites in the Arkansas and White Valleys to the extent that may supply sufficient storage to obviate the necessity of constructing the Boeuf flood way. This possibility should be investigated to the fullest before expending any funds on the Boeuf flood way.

I have confined the above discussion to the engineering features, knowing full well that you needed no expression of opinion on the subject of "local contributions" to assist you in the formulating of your conclusions on this subject.

JADWIN PLAN LACKING IN ENGINEERING DETAILS

Report of committee of railroad chief engineers submitted by A. F. Blaess, chief engineer Illinois Central Railroad

(P. 3759)

The comprehensive plan recommended is an advance over any scheme for flood control heretofore presented, but it lacks so much of being complete in engineering detail that it is not possible to develop definitely what effect the execution of the plan will have on the railroads located in the affected territory.

NO PROVISION FOR FLOOD WATERS AT MOUTHS OF THE TRIBUTARIES

Robert H. Ford, assistant chief engineer, Rock Island Lines, Chicago, Ill.

(P. 4032)

The Jadwin plan would, apparently, increase the flood waters within this area by confining the main river in such a way as to further raise the flood heights at the mouths of these tributary rivers, with no compensating protection provided. This must inevitably extend the flooded area and the flood period within the basin, with its resultant effect throughout this territory through which the Rock Island operates. It must further affect adversely its tracks and roadway as well as its ability to perform its service as a common carrier.

No maximum flood elevations are found in the Jadwin plan at Helena or other key points, but by deduction from the Cairo gauge elevations it is estimated that the plan contemplates a flood stage at Helena from about 56.8 during the 1927 flood to 59.

The plan apparently makes no provision for the additional river waters coming from these tributary rivers and the back flow from the Mississippi River during the time that they are held back by the walled water created by the levees in the Mississippi River at the mouths of these tributary rivers.

4. GENERAL OBJECTIONS TO JADWIN PLAN

Aside from the technical objections offered by noted engineers which have been already presented, the committee has received objections from governors, mayors of cities, officials of levee boards, and other distinguished citizens in the lower Mississippi Valley. At the conclusion of each one presented, reference is made to the page of this report where the statement may be found.

Hon. John E. Martineau, Governor of Arkansas, protests that the lower valley should not be expected to pay for its own funeral to benefit other sections.

Hon. Alfred H. Stone, of Mississippi, charges that the figures of General Jadwin on "total cost" are misleading.

Hon. O. H. Simpson, Governor of Louisiana, declares that adequate protection is not given under the Jadwin plan to the people of Louisiana.

Hon. F. D. Sampson, Governor of Kentucky, states that the Jadwin plan is incomplete, impracticable, and will lead to disaster.

Hon. Oscar Johnston, of Memphis, Tenn., attacks the "fuse-plug" levee idea.

Officials of Tensas Parish, La., protest against the damages they would suffer if the Jadwin plan be carried out.

Officials of Ouachita Parish, La., point out that national highways in the parish would be destroyed under the Jadwin plan.

New Madrid County (Mo.) Bankers' Association condemns Jadwin plan and appeals to Members of Congress to prevent it becoming a law.

In view of the objections of noted engineers, which can not be answered, relating to the engineering features of the Jadwin plan and the protests from public officials and distinguished citizens throughout the lower valley who will be subject to flood damages, the committee did not feel justified in writing the Jadwin plan into law. Any meritorious part or feature of it may be adopted by the commission created by the bill recommended by the committee.

TESTIMONY AGAINST JADWIN PLAN

The following is the testimony of public officials and others, referred to above, concerning the impracticability of the Jadwin plan:

PREDICTS FAILURE OF PLAN

Brief of Gov. F. D. Sampson, of Kentucky
(Committee Document No. 13)

In paragraph 2 of the Jadwin report it is stated:

"The plan is a comprehensive one, providing for the maximum predicted as possible, and for future expansion to meet changing conditions."

Comment: The evidence before the Flood Control Committee clearly indicates that the plan is incomplete, impracticable, and will result in a continuation of the same lack of systematic flood control which has been the chief cause of the 1927 and previous disasters. The failure of this plan, if adopted, is predicted, because it will be impossible for many of the districts involved to bear their share of the cost, and failure to construct the system at any considerable number of points would mean the failure of the whole plan, even were it otherwise unobjectionable. A chain can be no stronger than its weakest link.

ARMY ENGINEERS SHOULD NOT INVADE THE LEGISLATIVE FIELD

By Hon. FINIS J. GARRETT, Representative from Tennessee

(P. 1737)

You can not, by legislative act, take a man's property away from him for public use without compensation.

The matter of protection of life and property is not the only thing to be considered. There is protection of commerce and the protection of the Postal Service, which are purely and wholly national.

If you build a levee to protect a section where there is commerce, where there is Postal Service, and in so doing you injure private property at the place where there is no commerce, you should pay damages or hold owner harmless.

I say very frankly that I think the engineers and commission should have brought to Congress a plan, "Here is what we think is going to solve the physical features of this problem. Now it is up to you. We presented you the engineering data. We leave the legal field to you, because that is your proper field." I think they might very properly have done this and left out comments and recommendations touching rights of way.

PRINCIPLES OF JUSTICE, LAW, EQUITY VIOLATED IN JADWIN PLAN

By Oscar Johnston, Memphis, Tenn.

[Excerpt from brief printed as Committee Document No. 22, p. 2]

The Jadwin plan stipulates that the several States affected shall enact suitable legislation prohibiting the construction of levees or other works in the alluvial valley without permission from the War Department. At the same time this plan stipulates that it does not protect the owners of thousands—yes, hundreds of thousands—of acres; it does not propose to pay the owners of these unprotected acres for any use or damage to their lands. Thus the plan says to the owners of the land: "We will not protect you, we will not compensate you, nor will we permit you to protect yourselves." This is contrary to right, justice, law, and equity.

FLOOD WAYS DESTROY SOME COMMUNITIES TO SAVE OTHERS

Brief of Gov. John E. Martineau, of Arkansas

(P. 2500)

The Jadwin plan consists, in part, of strengthening existing levees and moving back in the "bottle necks." Some local benefits unquestionably could be established by this procedure, but by far the major portion of the Jadwin plan depends upon spillway relief. The spillway feature, however, involves an entirely different principle, inasmuch as the spillway feature can be established as a decided detriment and menace to the contiguous territory, not aiding its own particular section, but threatening it with destruction in order to benefit some other community. Surely, the lower valley should not be requested to pay a portion of its own funeral in order that other sections may survive.

Furthermore, the lower valley has reached the point of financial collapse, due to overtaxation for special improvements, and trying to protect itself against the flood waters of 41 per cent of continental United States.

JADWIN'S COST FIGURES MISLEADING

Hon. Alfred H. Stone, of Mississippi

[Excerpt from brief printed as Committee Document No. 16, p. 1]

The figures quoted from General Jadwin's recommendations, \$296,400,000, are misleading when accepted with the words "Total cost." The very report from which the figures are taken, elsewhere in its own language, completely negatives any such suggestion. * * * There is no way of determining in advance the actual cost of an adequate plan of flood control, about which there is such a divergence of expert opinion as to the methods and means necessary to accomplish the result. * * * These figures are without substantial foundation.

UNDUE SHARE OF COST ALLOTTED TO LOUISIANA BY JADWIN PLAN

By Hon. O. H. Simpson, Governor of Louisiana

(P. 1777)

First. Adequate protection is not given the people of the Tensas Basin.

Second. Satisfactory provision has not been made to protect the rights of the people of the Atchafalaya Basin.

Third. The local contributions suggested would be both unfair in principle and an inordinate burden upon the citizens and taxpayers of Louisiana.

Fourth. Furthermore, the proposed plan seeks to avoid substantial increase in the present height of levees in other States by creating outlets or spillways in Louisiana, thereby saving additional expense to the National or other State Governments; yet it proposes Louisiana alone shall pay the major portion of the cost of these outlets.

JADWIN PLAN INCREASES FLOOD DANGER

[Statement from Tensas Parish, La.]

(P. 1978)

Adoption of Jadwin measure instead of lessening danger of overflows and territory affected thereby would increase this danger and increase the territory affected. Unalterably opposed to the waters of the river being turned in upon us at Cypress Creek and then permitted to run wild through the most fertile portion of the State.

CONSIDERATION SHOULD BE GIVEN WATER STORAGE ON WHITE, ARKANSAS, AND RED RIVERS

[By police jury, Ouachita Parish, La.]

(P. 1967)

Flood ways as proposed in Jadwin's report for Tensas Basin would destroy large alluvial sections in northeast Louisiana. East and west Federal-aid improved highways, Missouri Pacific and Illinois Central Railroads destroyed three months per year. Opposed to spillway through Tensas Basin until serious study and exhaustive survey indicates the necessity thereof. Proper consideration should be given storage of waters on White, Arkansas, and Red Rivers.

JADWIN PLAN CONDEMNED BY FINANCIAL HOUSES

RESOLUTIONS ON JADWIN PLAN

Resolutions adopted at meeting called by New Madrid County (Mo.) Bankers' Association and St. Johns levee and drainage district and attended by representatives of St. Louis investment bankers, representatives of bond houses holding levee and drainage bonds in southeast Missouri, representatives of life-insurance companies and loan companies holding mortgages in this territory, together with members of the New Madrid County Court and taxpayers from the various southeast Missouri counties (p. 4647)

Resolved, That this meeting do condemn the Jadwin plan, both as to its plan of financing and its engineering features, and that our Representatives in Congress be requested to do all in their power to prevent the Jadwin plan from becoming a law; and furthermore be it

Resolved, That said Representatives be urged to make every effort to secure legislation in this session of Congress, to the end that the Federal Government shall assume full responsibility for the construction and maintenance of flood-control works, including the costs of rights of way and the payment of all damages incidental to the construction of such flood-control works on the Mississippi River.

LESSON LEARNED AT MOUND CREVASSE APPLICABLE TO "FUSE-PLUG" OPENINGS

Brief submitted by Hon. Oscar Johnston, of Memphis, Tenn.

The plan provides for a fuse-plug levee at Cypress Creek. The idea of the plan is that at a given height in the water this "fuse plug" will blow out, break, or be overflowed, permitting the escape of a given quantity of water; the maximum of this quantity is stated in the plan at 900,000 cubic feet per second. The greatest crevasse, I believe, that has ever occurred in the Mississippi Levee was the break at Mounds Landing when the water stood approximately 19 feet above the level of the ground. This break was a half mile in width. The water swept through with an unprecedented velocity, and yet it is only estimated that the flow through this crevasse was approximately 500,000 cubic feet per second. This crevasse washed out a lake or "blue hole" more than 100 feet deep, and cut a channel more than a mile back into the interior, destroying 5,000 acres of land by depositing sand of such character as to prevent successful cultivation of the soil in the future. If such a result happens at one of the fuse plugs, it would be almost an impossible task to restore the levee without looping or building back for some distance. A few successive breaks of this sort at the same point would shortly result in a channel being cut from the head to the mouth of the spillway.

Those of us who have lived behind levees the greater part of our lives are decidedly of the opinion that levees have a perverse way of not breaking at points where they are expected to break. Frequently water is impounded and raised temporarily as the result of a windstorm; frequently windstorms bring about waves that wash into and cut through a strong levee standing several feet above the crest of the water; frequently levees are undermined by water seeping through below the base.

We believe from practical experience, as opposed to engineering theory, that such spillways as are constructed should be of the type commonly

known as controlled, or should be left open at the head and leveed along the sides so that the flow of water through the spillways may be controlled and regulated.

5. SUFFICIENT DATA NOT AVAILABLE TO DEVISE RELIABLE AND SAFE ENGINEERING PLAN

Mr. John F. Stevens, who testified before the committee, was chief engineer of the Panama Canal, preceding General Goethals in the work. The following statement appeared in an article in the New York Evening World, Tuesday, January 24, 1928:

General Goethals never boasted of his great accomplishments, and when the canal was mentioned in his presence he always insisted that two men—Theodore Roosevelt and John F. Stevens—had far more to do with the successful building of the canal than he. He had followed Stevens as chief of the work of construction and his admiration for his predecessor was evident at all times.

GAVE CREDIT TO STEVENS

"Stevens," he would say in this quiet way, "was one of the greatest engineers that ever lived, and the Panama Canal is his greatest monument. He was a wonderful organizer and a remarkable judge of men. He had unerring insight in the selection of his assistants, and I found when I went to Panama that his organization was about as perfect as anyone could make it. The result was that more than half of the work was done for me in advance."

Mr. Stevens was president of the American Society of Civil Engineers for 1927, and is now on the board of direction and a member of the executive committee. He is also an honorary member of the society, being 1 of 15 honorary members out of 13,000 members.

Mr. Stevens was given the John Fritz gold medal three years ago for his achievements on the Panama Canal and as administrator for the Russian railways during the war. The John Fritz gold medal is the highest honor that can be paid in the engineering world. It is a medal that is given by the four great engineering societies of the United States—the American Society of Civil Engineers, the Mechanical Engineers, Electrical Engineers, and Mining Engineers, and is given for an outstanding achievement. It is international in its scope and at the present time there are only 23 holders, among them Thomas Edison, Alexander Graham Bell, Lord Kelvin, General Goethals, and Marconi.

Mr. Stevens believes that further study should be made of the problem before any definite engineering plan is adopted. In view of the fact that Mr. Stevens is perhaps the most eminent engineer in the United States, if not in the world, the committee attached great weight to his testimony:

NOT SUFFICIENT DATA AVAILABLE TO PREPARE FLOOD-CONTROL PLAN

Mr. Stevens

(P. 4284)

My idea is that there has not been proper time, and sufficient data has not been accumulated in order to prepare a comprehensive plan of flood control. . . .

Now, I can not conceive, with my wide experience with engineers, extending over more than half a century, that any body of men, with the additional data that could be collected in four or five months, can in six weeks or two months prepare plans which will cover all possible future contingencies on the Mississippi River.

Mr. Stevens said that it would take a very short time to decide on certain basic things that should be done, and that work on those things should be started without delay, but he believed that there were some very vital things embraced in both plans that need more elucidation. He developed the idea that levees should be strengthened at once.

FURTHER STUDIES SHOULD BE MADE BEFORE PLAN IS ADOPTED

[Report of advisory flood-control committee of American Society of Civil Engineers]

(P. 4913)

Fourth. It is important that, before embarking upon so large a project, careful estimates be made, and be made known, of the local, territorial, corporation, and individual expenses to be incurred for rights of way, drainage works, relocations of railroads and highways, and other collateral items, additional to the governmental costs, and apparently to be borne by other agencies.

Fifth. With such additional information and the further studies recommended by the Mississippi River Commission and the reservoir board, it may then be determined what is the real relative advantage of a complete spillway-floodway plan compared to less than complete relief by such means, supplemented by storage reservoirs at favorable sites, or other methods.

NOT SUFFICIENT DATA TO FORMULATE COMPREHENSIVE PLAN

[Brief submitted by M. G. Barnes, chief engineer Illinois waterway construction, on behalf of Gov. Len Small, of Illinois]

The Chief of Engineers has made a report stating the cost to be less than \$300,000,000. The Mississippi River Commission, which has had charge of the river for nearly a half century, has made another report covering practically the same items, but has placed the cost at nearly \$800,000,000. These reports are made under great pressure to accomplish a certain result within a given time. Civilian engineers generally do not believe that either report is sufficiently comprehensive or that their authors have exhausted the field to determine whether the remedies proposed are all sufficient. From the personal study that I have made of the situation I have found a woeful lack of topographical information from which a careful or scientific study could be made.

MISSISSIPPI RIVER COMMISSION PLAN

1. Salient features of Mississippi River Commission plan.
2. Mississippi River Commission plan v. Jadwin plan.
3. Comparison of Jadwin plan and Mississippi River Commission plan.
4. "Levees only" policy of Mississippi River commission.
5. Mississippi River Commission repudiated by General Jadwin.

1. SALIENT FEATURES OF MISSISSIPPI RIVER COMMISSION PLAN

The committee had before it the report of the Mississippi River Commission, the duly authorized agency of the Government on the flood control of the Mississippi River, which provides for the same items as does the Jadwin plan, with the following exceptions:

First. It includes the Mississippi River from Rock Island, Ill., to the Head of Passes.

Second. It provides for the raising of levees on the Mississippi River higher than the Chief of Engineers' plan, so as to provide a freeboard of 4 feet between Rock Island and Cape Girardeau and 5 feet between Cape Girardeau and New Orleans. The Jadwin plan does not specify the freeboard, but provides for raising the levees slightly above the grade of the maximum predicted flood.

Third. It provides for a spillway at Caernarvon for the protection of the city of New Orleans, in addition to the Bonnet Carre spillway. In doing this the Mississippi River Commission follows the recommendations of the spillway board appointed pursuant to an act of Congress.

Fourth. It provides for the additional protection of Cairo by raising the levees to 70.4 feet, instead of the use of the Birds Point-New Madrid river-bank flood way, and suggests further study for raising a part of the city of Cairo.

Fifth. It provides for a diversion of 600,000 cubic feet per second through the Boeuf Basin flood way instead of 900,000 cubic feet per second, as provided by the Jadwin plan, and in doing so it adopted the recommendations of the diversion board appointed to study this particular problem.

Sixth. It provides for a diversion of 950,000 cubic feet per second through the Atchafalaya Basin flood way instead of 1,500,000 cubic feet per second as provided by the Jadwin plan, and in doing so it adopted the recommendations of the spillway board appointed pursuant to an act of Congress.

Seventh. It provides for the further study as to the possibility of reservoirs being substituted in the plan and for a study of other diversions.

It recommends the present adoption of an interim plan costing \$407,500,000 as a part of a comprehensive plan costing \$775,000,000.

The difference in the costs of the plans is due to the fact that the Jadwin plan does not include in its figures the costs of rights of way, flowage rights, and damages, while the Mississippi River Commission plan figures in the costs of these items, and in addition provides for a greater factor of safety, as well as including the tributaries within its jurisdiction.

The Mississippi River Commission plan recommends that local interests be required to pay one-third of the costs to bring the present levees up to 1914 grade, estimated to amount to \$15,440,367 for all levees under its jurisdiction.

The difference between the comprehensive plan and the interim plan of the Mississippi River Commission is that the interim plan only provided for a flood protection equivalent to that of the 1927 flood, with 1 foot freeboard, and leaves out the Caernarvon spillway and reduces the amount for stabilization, revetments, and levee building.

2. MISSISSIPPI RIVER COMMISSION PLAN VERSUS JADWIN PLAN

Broadly speaking, there is much that is in common in the plans for flood control submitted by the Mississippi River Commission and by the Chief of Engineers, respectively. Both plans provide for increases in levee grades and levee cross section; both plans include the spillway feature; and both plans provide for diver-

sion channels to carry off water in excess of the quantity that is deemed advisable to confine between the levees on the main river.

But it is to the degree in which these different methods of flood control are respectively used, and to the difference in the margin of safety provided, and to the introduction of a new untried device, known as a "fuse-plug levee," that differences in engineering opinion have arisen as to the relative merits of what is known as the commission plan and what is known as the Jadwin plan.

There was also a pronounced difference of public opinion on that phase of the subject dealing with "local contributions," as set forth in the respective reports, but this seems to have dissipated, and those who now hold for local contributions do so, not because they think it is just and equitable, but do so rather for the restraining effect such procedure may have on possible future demands that may be made on our Government for other projects perhaps not as meritorious.

Beginning at the upper limits of what was the original jurisdiction of the Mississippi River Commission from Cape Girardeau to Cairo, there is no difference between the commission plan and the Jadwin plan as to the method of improvement proposed, both plans providing for an increase in height and cross section of the existing levees, except that the amount of increase in grade is dependent upon the acceptance or rejection of the proposed method of reducing the flood height at Cairo by means of the Bird Point to New Madrid River bank flood way.

The situation at Cairo is a perplexing one. The present grade of the Cairo levee is 60 feet on the gauge. The 1927 high water reached an elevation of 56.3. Had there been no crevasses the gauge would have read 58.5. It is estimated by the Mississippi River Commission that a probable maximum for a theoretical future flood would be 65.4, and by the United States Weather Bureau as 66 on the Cairo gauge. The Mississippi River Commission recommends raising the levees to a grade of 70.4, with a desire for further study into the practicability of raising a portion of the city of Cairo. This proposed additional height of 10.4 feet to the present levee grade, even though it includes a freeboard margin of 5 feet, is considered by the Chief of Engineers as unthinkable, and he plans to lower the ultimate flood line by setting the levee back about 5 miles on the Missouri side of the river, counting on a reduction of 6 feet in flood height by so doing. Colonel Potter, president of the Mississippi River Commission, expressed the opinion that the proposed 5-mile setback is not feasible from an engineering standpoint to accomplish the purpose desired (p. 2116). There is grave doubt in the minds of some engineers familiar with the situation that the anticipated reduction of 6 feet in flood height will materialize. This opinion is based on the observation of the conditions that obtained during the 1912 and 1913 high waters, which apparently demonstrated that a flood way through the same territory 15 miles wide or three times wider than the proposed one, and operating as a result of 11 crevasses near Bird Point, reduced the flood height at Cairo only 3.2 feet. (Berthe's testimony, p. 4200.)

The gravity of the situation at Cairo is emphasized in that General Jadwin accepts 66 feet as the maximum probable high-water reading for that point (par. 100), states that "the city should not be subjected to the jeopardy of levees higher than they now are" (par. 124), which is elevation 60 on the gauge (par. 124), and in his design for the protection of the city he assumes a reduction of 6 feet in the height of the flood, thus making the future maximum high-water elevation flush with the top of the levee.

There is also the objection raised to this proposed riverside flood way in the Jadwin plan in that it will result in creating an undue increase in flood heights in the vicinity of New Madrid where the diverted water will return to the river and at which point the river must build up a "head" sufficient to compensate for the flattened slope resulting from a lowering of the height at Cairo, in order to pass the same discharge as previously passed.

The supplemental feature recommended in the Jadwin plan of removing a part of the dike on Tiptonville Ridge to facilitate the discharge at the point of construction is looked upon with distrust by many engineers and considered as an invitation to a cut-off with its attendant disturbance of the river regimen for miles above and below, something which the Mississippi River Commission has been desirous of preventing by the construction in the past of expensive bank revetment at this locality. The Mississippi River Commission states its position clearly in paragraph 344 of its report:

The commission adheres to its policy of preserving the river generally in its present form and can not subscribe to a plan of flood control or of improvement for navigation that involves the formation of

cut-offs. Rather, the commission believes that its first duty to navigation and to flood control is to prevent cut-offs.

The preponderance of engineering opinion familiar with Mississippi River hydraulics is in agreement with the commission on this point.

The next point of contention between the Jadwin plan and the Mississippi River Commission plan is at the vicinity of the mouth of the Arkansas, where both plans recognize that the capacity of the main river below the mouth of the Arkansas is insufficient to carry the river discharge between levees except at unjustified expense. The Mississippi River Commission plan contemplates the withdrawal of 600,000 cubic feet per second and diverting this amount at Cypress Creek through a controlled intake and conducting it between continuous levees located in Boeuf Basin to the lower end of the Tensas Basin.

The Jadwin plan proposes the withdrawal of 900,000 cubic feet per second at the same place, makes the flood way considerably wider by permitting its width to be determined by the location of existing ridges that run parallel with the general direction of the flood way, rather than as determined by engineering calculation, thereby involving greater rights-of-way damages, but having the compensating advantage of reducing the expenditures for levee raising on the main river. The question resolves itself into a determination as to what is the proper balance to be maintained between flood-way capacity behind the levee and expenditures for levee raising on the main river. Manifestly, if sufficient water is taken down the flood way there will be no necessity for raising the levees at all on the main river from the mouth of the Arkansas going downstream for a long distance.

It is urged by the interested property owners affected by the proposed flood way that the Mississippi River Commission plan of diverting 600,000 cubic feet per second is the plan that recognizes the limitation of using the Boeuf diversion to its capacity, consistent with some regard for property rights. Testimony has been offered (Schoenberger, Senate Hearings, p. 243) to the effect that the crevasse discharge entering this basin in 1927 was practically 650,000 cubic feet per second, and flooded this basin as well as the Tensas Basin to an average depth of 12 feet, and, to increase this quantity to 900,000 cubic feet per second, as proposed in the Jadwin plan, is practically to condemn the greater part of that basin for flood purposes. The alluvial basin extending from the Arkansas on the north to Red River on the south, in which this flood way is to be located, comprises 3,517,626 acres, of which 2,525,000 acres will be dedicated for flooding purposes, 1,440,000 acres being within the flood way itself as designed in the Jadwin plan.

A comparison of the respective plans shows that there are 625,000 acres of land dedicated to flooding by the Jadwin plan in excess of the similarly flooded land by the Mississippi River Commission plan. Two hundred and eighty-five thousand acres of this land are not now affected by backwater and can be protected by an auxiliary levee, as provided for in the plan of the Mississippi River Commission.

It is pointed out that this auxiliary levee is essential and necessary, since the situation is no longer one of backwater reaching an elevation that is controlled by the river elevation at the entrance or lower end of the levee system at Point Breeze.

With the Boeuf Basin flood way in operation, there will be water entering this part of the basin at a much higher elevation than that which will prevail at Point Breeze. This fact seems to have been recognized and provided for in the Mississippi River Commission plan, but overlooked or ignored in the Jadwin plan.

As a general proposition, the flood-control problem becomes more complicated as we progress downstream, by reason of the decreasing discharge capacity of the lower part of the river, the additional flood contribution from tributaries, and the wider extent of the valley subject to inundation with increasing population and increasing values. At the mouth of Red River, which is the southernmost or last tributary entering the Mississippi River, nature has provided a diversion channel of its own, the Atchafalaya River being capacious enough to take not only what the Red River contributes at its maximum discharge but as much more again than is taken from Mississippi in flood times.

The distinctive feature of this particular diversion channel is that it delivers its flow directly into the Gulf or without any part being returned to the main river farther down.

The obvious and logical conclusion arrived at in dealing with the problem of handling excessive flood volumes at this locality during superfloods is to utilize the Atchafalaya outlet, increased to the fullest or maximum extent consistent with minimizing damages to the area through which it flows.

Here again the difference in opinion or judgment as to how much water should be abstracted from the main river manifests itself in the respective plans submitted by the Mississippi River Commission and by General Jadwin.

The Mississippi River Commission plan provides for a spillway capacity or diversion through the Atchafalaya of 950,000 cubic feet per second while the Jadwin plan provides for a diversion of 1,500,000 cubic feet per second.

There is also a difference of opinion indicated as to the total volume to be handled at the latitude of Red River Landing. The Mississippi River Commission plan allows more liberally for reservoir capacity of the main river and for storage in the backwater area at the lower end of the Tensas district and arrives at a total of 2,650,000 cubic feet per second; the Jadwin plan is based on an assumed discharge of 3,000,000 cubic feet per second.

While the quantitative consideration of the future theoretical flood is less in the plan of the Mississippi River Commission, the difference is not as great as indicated by these figures for the reason that the levee grade prescribed by the Mississippi River Commission is 5 feet above the theoretical high water, or at elevation 65 on the gauge, while the levee grade in the Jadwin plan is to be 3 feet higher than the present grade at Red River Landing, or Angola, and equivalent to 60.5 on the gauge.

Manifestly a superiority of 4.5 feet in levee grade affords considerable latitude for increased discharge capacity both through the main river and through the Atchafalaya spillway.

Each additional foot of rise so contained would add to the discharge capacity past the latitude of Old River (Red River Landing) about 135,000 cubic feet per second. (Par. 78, report of the spillway board.)

The design and plan of the spillway board for the proposed spillway down the Atchafalaya Basin and located on the west side of the Atchafalaya River has been adopted and incorporated in toto in the comprehensive plan submitted by the Mississippi River Commission; while the plan proposed by General Jadwin goes much further in diverting about 55 per cent more water from the Mississippi River and making use of an additional floodway on the east side of the Atchafalaya.

The Mississippi River Commission plan, through the adoption of the study made by the spillway board, gives more regard to the safe conduct of the waters to the Gulf by reason of recognizing the limited discharge capacity of the Atchafalaya outlet at Morgan City. The Jadwin plan does not indicate how it is proposed to take care of the excess or surplus water (representing about one-third the high-water discharge at New Orleans), when it reaches Morgan City, without causing tremendous property damages to the highly developed country east and west of Morgan City. The backwater effect through openings into the floodway for drainage will be more extensive with the adoption of the Jadwin plan, there being a flooding of about 350,000 acres of land in cultivation and not subject to inundation except during years of superfloods such as 1882 and 1927. (Walter Kemper, C. E., p. 4177.)

On that part of the main river from Red River Landing to the Head of Passes the proposed treatment of the flood problem will be:

(a) To increase the cross section of the levees and to raise them corresponding to the grades adopted in the respective plans, which grades vary in elevation due to the greater or lesser quantity of water abstracted from the main river at Red River Landing, under the respective plans.

(b) To increase the discharge of the lower river and to lower the flood heights by the construction of a spillway or spillways on the east side of the river discharging into tide-level water.

The principal difference in the two plans is that the Jadwin plan provides one spillway at Bonnet Carre, 30 miles above New Orleans, which the Mississippi River Commission plan provides for the Bonnet Carre spillway and an additional one at Caernarvon, 13 miles below New Orleans. The Jadwin plan objects to the Caernarvon spillway below New Orleans for the following reason:

A spillway below the city operating to the limit of its capacity to hold the flood stage to 20 on the Carrollton gauge would create velocities 12 per cent in excess of those created by a spillway above the city operating to hold the same flood to the same stage. A spillway at Caernarvon was considered and discarded on this account. (Par. 102.)

Responsible engineering authorities in the city of New Orleans familiar with the situation and informed as to the arguments raised against the proposed supplemental spillway at Caernarvon favor its inclusion as provided for in the plan of the Mis-

issippi River Commission. It is pointed out that the objection cited by General Jadwin does not apply if consideration is given to two spillways, one above and one below the city, but applies only in the consideration of the alternative location for one spillway.

A feature of design in the flood-control works recommended in the Jadwin plan that provoked considerable discussion was the "fuse-plug levee." This is a device proposed to serve as a weak link in the levee chain, and intended to fail at the entrance of the respective flood ways much in the manner that a crevasse occurs. It is offered as a substitute for the usual type of engineering structure that serves where a controlled intake is contemplated. The preponderance of opinion of experienced levee engineers was adverse to its use for the purpose intended and favorable to the controlled intake provided for in the Mississippi River Commission plan.

3. COMPARISON OF THE JADWIN PLAN AND THE MISSISSIPPI RIVER COMMISSION PLAN OF FLOOD WORKS ON THE MAIN RIVER

LEVEES FROM ROCK ISLAND, ILL., TO CAPE GIRARDEAU, MO. (435 MILES OF RIVER)

Jadwin plan

Not provided for.

Mississippi River Commission plan

Levees improved in section and height under the "interim plan" and the comprehensive plan at an estimated cost of \$10,500,000, grade to be 4 feet above the highest water; river slope 1 on 4; land slope to contain a saturation line of 1 on 7 within a cross section of the levee.

LEVEES FROM CAPE GIRARDEAU, MO., TO THE MOUTH OF THE ARKANSAS RIVER

Jadwin plan

Jadwin plan provides for raising the levees to a grade slightly above the height of the maximum flood and referred to in the testimony as being a grade from 1 to 2 feet above the said flood. The estimated cost of this work is \$53,900,000.

Mississippi River Commission plan

The Mississippi River Commission "interim plan" provides for raising and enlarging levees to a height of about 1½ feet above the 1927 confined flood and with standard cross section at a cost estimated to be \$22,000,000.

The comprehensive plan of the Mississippi River Commission provides for raising the levees to a grade of 5 feet above the maximum probable flood and having standard cross section, the cost of which raising and enlargement is estimated to be \$110,000,000.

LEVEES FROM THE MOUTH OF THE ARKANSAS TO THE MOUTH OF THE RED RIVER

Jadwin plan

Levees raised to a grade 3 feet above present grade and equivalent to a reading of 63.5 on the Arkansas City gauge and 60.5 on the Red River Landing or Angola gauge. The estimated cost of raising and enlarging to standard section is \$59,300,000.

Mississippi River Commission plan

Levees raised in accordance with the interim plan to a grade of about 1½ feet above the 1927 confined flood and equivalent to a reading of 64.5 on the Arkansas City gauge and a reading of 59.5 on the Red River Landing or Angola gauge. The estimated cost of this raising and enlarging to standard section is \$47,000,000.

The comprehensive plan of the Mississippi River Commission provides for a 5-foot freeboard over maximum probable flood and equivalent to a grade of 71 on the Arkansas City gauge and 65 on the Red River Landing or Angola gauge. The cost of this levee raising and enlargement to standard section is \$163,000,000.

LEVEES ON MAIN BELOW THE MOUTH OF THE RED RIVER

Jadwin plan

Jadwin plan provides for levee raising to a grade 3 feet above the present grade at Angola and as far down as Bayou Sara, then gradually tapering out to no increase at Bonnet Carre. Below Bonnet Carre the levee grades remain unchanged. The cost of the above is estimated at \$18,700,000.

Mississippi River Commission plan

The Mississippi River Commission in their interim plan raise the levees to a grade 2 feet above present grade at Angola, then tapering to no raise at Plaquemine, La., and increasing the levee section to the required standard. Below Plaquemine, La., the levee grade remains unchanged. The estimated cost of the levee raising and enlargement is \$15,000,000.

The comprehensive plan of the Mississippi River Commission provides for a 5-foot freeboard above the maximum probable flood at all points, with spillways in operation. The levee raising and enlargement under this plan is estimated to cost \$53,500,000.

BONNET CARRE SPILLWAY

Jadwin plan

The Jadwin plan provides for a spillway to cost \$8,200,000, providing for no costs of rights of way or damages.

Mississippi River Commission plan

The Mississippi River Commission provides for a spillway in both the interim plan and the comprehensive plan estimated to cost \$8,200,000 and in addition makes provision for payment of rights of way and damages, estimated at \$3,300,000, or a total of \$11,500,000.

CAERNARVON SPILLWAY

Jadwin plan

There is no provision in the Jadwin plan for a spillway at this locality.

Mississippi River Commission plan

The Mississippi River Commission provides in its comprehensive plan only for the construction of a spillway similar to the one at Bonnet Carre to cost \$10,000,000, including rights of way and damages.

BIRDS POINT-NEW MADRID, MISSOURI FLOOD WAY

Jadwin plan

Main levee setback on Missouri side average distance of 5 miles from Birds Point to New Madrid, a distance of 57 miles by levee and 72 miles by river.

Mississippi River Commission plan

Does not provide for flood way, stating to such flood ways investigated and discarded for reason results not reliable or definite and cost prohibitive. Provides protection by levees enlarged and raised to a grade equivalent to 70.04 feet on the Cairo gauge.

Grade of setback levees 60 feet on Cairo gauge.

Present grade levees on Mississippi River 50 feet on Cairo gauge.

Fuse-plug section 10 miles long at Birds Point to allow inflow of water.

Fuse-plug section 10 miles long at low end of flood way just above New Madrid, which will have to crevasse to permit flow back into river.

Both fuse-plug sections formed by cutting down present river bank levees 3 feet.

River bank levees left as is, except those cut down for fuse plugs, their grade being 58 feet on Cairo gauge.

Crevasing of lower fuse plug may suddenly increase volume of flow in the Mississippi River to such an extent as to cause disaster to New Madrid.

Area in flood way 144,000 acres, 60 per cent of which is improved and cultivated.

Cost of flood way, including right of way, drainage, and damage \$26,598,480.

Concrete spillways for fuse-plug sections will cost \$16,000,000.

No freeboard provided in event of maximum flood.

General Jadwin claims flood way will lower gauge heights at Cairo 6 feet during maximum flood.

Grade of controlling levees at Cairo, 60 feet on Cairo gauge.

No diversion channel from Cape Girardeau or vicinity to any other point on the Mississippi River at or above the Arkansas River seems at present feasible, as equal or greater protection can be secured by levees at decidedly less cost.

Increases river-bank levees to a height of 70.4 feet on Cairo gauge, this being the most feasible plan to protect this area.

Five-foot freeboard provided in event of maximum flood.

Colonel Potter stated proposed flood way not feasible, either from an engineering or financial standpoint; commission does not agree that flood way will lower flood height 6 feet at Cairo.

Grade of controlling levees, 70.4 feet on Cairo gauge.

Freeboard provided, none.

This section would overflow once in 10 years.

Present levees to be maintained unless too expensive.

Local interest to pay 20 per cent of cost of set-back levees, all costs of cutting down fuse-plug sections, furnish right of way, and pay all damages.

Population of flood way, 3,500.

Uses 144,000 acres of the total area of 279,000 acres in the two districts affected.

Fuse-plug device when crevassed would keep entire area flooded should flood stages repeat as in 1927.

This is the only flood way proposed which returns water to the Mississippi River and upon which any question was raised as to its effectiveness in lowering gauge heights.

Flood way proposed: General Jadwin states flood way was proposed for protection of Cairo only. Eliminating Cairo from the plan this area would be protected by levees only.

If Missouri did not contribute or acquiesce, if given the authority General Jadwin would cut the Missouri levees. This would flood St. Frances Basin down to Helena, affecting a population of at least 75,000.

BOEUF BASIN FLOOD WAY

Jadwin plan

Thirty-five miles fuse-plug section beginning 12 miles above Arkansas City and extending to point 23 miles below Arkansas City. Discharge 900,000 second-feet.

Guide levees, of inferior section to those on Mississippi River.

Average width of flood way, 13 miles.

Arkansas City left in fuse-plug section, protected by ring levee.

Area in flood way, 1,440,000 acres.

Backwater area, 1,085,000 acres. Ignores diversion board's plan and recommendations.

Cost, \$7,700,000.

Includes no payment for right of way or damages.

Local people pay 20 per cent of cost and 50 per cent of cost of ring levees.

Volume of flow indefinite.

Flow through fuse-plug section caused by crevasses, thereby jeopardizing safety of guide levees of flood way by rapid rise and swift current.

Uses 2,525,000 acres of the 3,517,000 acres in the three districts affected.

Permits water to flow into backwater area without any plan to regulate or control same.

Population in flood way, including backwater area, 70,000.

Prolonged flood stages would weaken guide levees with possible disastrous results.

Freeboard provided, 5 feet.

Colonel Potter states that with fuse-plug sections this area would overflow every four or five years.

Local interests furnish right of way for levee and pay one-third of cost of bringing levee up to 1914 grade and section.

No land flooded except that ordinarily flooded by backwater in the lower end of flood way.

Commission states that Cairo can be protected by levees, but is of the opinion that further study should be made of alternative methods.

Mississippi River Commission plan

Four thousand feet concrete controlled spillway, 12 miles above Arkansas City.

Discharge 600,000 second-feet.

Guide levees, standard and same as on Mississippi River.

Average width flood way, 5 1/2 miles.

Arkansas City 12 miles below spillway, protected by commission grade levees on Mississippi River.

Area in flood way, 1,100,000 acres.

Backwater area, 800,000 acres.

Uses diversion board's plan as the best solution.

Cost, \$107,000,000.

Pays for flowage rights and estimated damages.

Government pays all costs.

Volume of flow definite and controlled.

Flow through concrete spillway, volume at first being small and gradual increase allowing time for levees to season.

Uses 1,900,000 acres of the 3,517,000 acres in the three districts affected.

Limits area of backwater by interior levees, running from Mississippi levee west and north along Tensas River.

Population in flood way, including backwater area, estimated at 42,000.

Concrete controlled spillway may be shut off should guide levees weaken.

With fuse-plug device, repeating flood stages as in 1927 would keep this area continually under water.

ATCHAFALAYA FLOOD WAY

Jadwin plan

Discharge, 1,500,000 second-feet. Fuse-plug sections on both sides of Atchafalaya River at its head.

Width at head, approximately 16 miles. Indefinite and unreliable.

Flow through fuse-plug sections indefinite, depending upon crevasses.

Break in fuse-plug sections may jeopardize entire flood-control works; would act same as crevasse with resultant damages.

Ring levees around Simsport, Melville, and Morgan City.

Ignores spillway board's plan and recommendations.

Guide levees of inferior section.

Floods practically entire lower basin with backwater flowing through openings for drainage in guide levees.

Cost, \$29,900,000; local interests furnishing all rights of way and paying all damages.

Population of flood way and backwater area, 40,000.

4. "LEVEES ONLY" POLICY OF MISSISSIPPI RIVER COMMISSION

The commission itself, a purely Federal agency, making its participation in the cost of the work dependent upon the acceptance by local districts of its arbitrary ruling, adopted and adhered to a policy of "levees only." Time and again it contended in public utterances and in the records that it was only by confining the river to its bed by a system of levees that floods could be averted and the flood waters of the Mississippi carried safely to the sea. The commission was intolerant with any other viewpoint and successfully resisted any effort to change its policy as well as discouraging any suggestion to investigate any other proposal.

In the pursuit of this policy the commission went a step further. It held to the view that in support of the "levees only" theory every outlet of the river but one should be closed, and did succeed in closing them all except the Atchafalaya Gap and the mouth of the river at the Passes.

The result of this policy is now part of the tragic history of flood control on the lower Mississippi in our own times. Five devastating epochal floods have visited the valley since the establishment of the commission. On the crest of each, millions of dollars of property have been borne to the sea. Countless thousands of patient, toiling people have been driven from their homes. Disease and sickness, the direct result at times of these floods, have taken the lives of hundreds. In 1882, 1906, 1912, 1913, 1922, and 1927 floods occurred, and upon each occasion advanced students of flood control protested in vain against adherence by the commission to this policy of "levees only," to be told by the commission, a Federal agency with practically arbitrary power, that the policy of "levees only" would be retained by the commission but that after each flood the levees would be built higher and stronger. Then came the flood of 1927 and the commission confessed its policy to have been a mistaken one and that not only did the river need levees but additional outlets as well to discharge its flood capacity.

But this confession did not come until after the 1927 flood and in mistaken and unyielding support of that policy the commission expended \$170,000,000 of the local taxpayers' money as well as \$71,000,000 of the Federal Government's money. It has been described as the monumental blunder of the age, as a policy stubbornly supported in the face of the most convincing opposition, a policy which led the way to tragedy and disaster over the advice of thoughtful and studious men. But it was planned and executed by the Federal Government—financed to a large extent by the localities—and the mistake of the policy was not admitted by the Federal Government until the localities had expended this huge sum, certainly enough over this long period of years

Concrete controlled spillway could be shut off after major flood, thereby protecting area from minor flood stages.

Mississippi River Commission plan

Discharge, 950,000 second-feet. Outlet widened by cutting down levees on west side at head to the natural surface of ground.

Width at head (permanent), 8 miles.

Flow through cut-down sections definite, with no obstructions.

Flow gradual and increasing slowly as flood stages increase.

Protects Morgan City by levees and purchases Melville and Simsport, which are abandoned.

Uses spillway board's plan as the best solution.

Guide levees standard grade, same as Mississippi River levees.

Floods less area by backwater by 50 per cent. For reason fewer openings in guide levees for drainage, and levees extend nearer to Gulf.

Cost, \$52,500,000; Government pays all costs, including flowage rights and damages.

Population of flood way and backwater area, estimated, 30,000.

at prices then obtaining to have provided flood-control works now recommended and which are believed to provide complete safety.

Thus it will be seen that a policy fixed by the Federal Government itself is largely responsible, if not entirely, for the prostration of the lower valley to-day.

But not only in this respect was the Government's policy fatal to success. There was, although not appearing to be, a divided authority in the construction of levees and a fatal weakness in restrictions placed upon the distribution of funds which left impoverished districts with weak and crevassing levees ever endangering the security of their neighbors. It is fundamental that, where the locality was required to supply the right of way for levees and to contribute one-third of the cost of their construction, local authorities would have something to say about how their funds were expended and how much of their area would be yielded up pro bono publico for the construction of levees.

A weak link anywhere destroys the strength of the chain; so it is in levee construction. It serves none but a wasteful purpose to construct 10 miles of flood-proof levees which are joined with 5 miles of weak and unstandardized ones. No agency expending local money and accepting local rights of way upon the giving of which the flood works are legally left dependent will be deaf to the pleas and intrigues of local politics, and many a levee line has been placed upon rights of way, out of local political consideration which would never have been employed had the commission exclusive jurisdiction and had the work been entirely financed by the Federal Government. Many districts were unable to meet their allotments and their levee lines under the law were left in a weakened and dangerous condition.

This situation was fully admitted by witnesses before the committee and fully commented upon by members of the Mississippi River Commission when testifying.

Thus the committee found upon its record of hearings:

First. That local communities from the date of the Louisiana Purchase until 1879 had at their own expense, not only provided all flood-control works upon the Mississippi, but had actually been meeting the National Government's obligation of maintaining and preserving the navigation of the river.

Second. That in this work these localities had expended in that period \$125,000,000 from public funds and an unestimated amount from private sources.

Third. That, since the participation by the Federal Government, the localities have expended more than twice as much as the Federal Government, the amount being \$170,000,000 for localities against \$70,000,000 by the Federal Government.

Fourth. That, under the leadership of the Federal Government and over the advice of many others, this huge sum was expended in the mistaken policy of "levees only," a policy which led to the disaster of 1927 and practically nullified the benefits which should have been received from any such expenditure.

Fifth. That the Government's policy in making flood-protection works dependent upon local cooperation had developed a policy of divided authority resulting in no unified and complete system after the expenditure of nearly a half billion dollars.

Sixth. That the flood waters which devastate the lower valley rise in a widely spread area outside of the affected region and have little added to their volume in the lower valley, and that these localities have for years been shouldering the drainage burden of the Nation.

But if the committee found the record of the past to be amazing and unjust, the task which it was called upon to consider in future legislation was even more intolerable, if local contributions were to be maintained. For the recommendations which were now before the committee provided for a wide departure from the heretofore mistaken policy of the Mississippi River Commission. They included not only the employment of levees which were to be enlarged and strengthened, but for outlets in the form of spillways, diversions, and flood ways upon a comprehensive scale never before contemplated. These flood devices, admitted by their proponents to be in no sense local in any contemplated benefit, were in instances to be constructed in one territory for the protection of another, in one State to safeguard another, and so huge in their costs that to attempt their execution at local cost would result in the abandonment of the entire plan.

Witness after witness, including the Chief of Engineers, was questioned by the committee and invited to suggest some method of justly adopting some practical method of providing for these flood-control works at local expense, and not one could do so. Every local authority examined testified that, to make their execution dependent upon local financing, would be tantamount to forbidding their execution.

The Mississippi River Commission itself on this phase of the matter says:

While local participation in the cost of such works may be equitable, it is deemed to be impracticable as the benefits accrue to certain States at the expense of others.

It was the committee's conclusion that the control of floods on the lower Mississippi, if it is to be adequate and successful, must be a unified project for this purpose, directed under a single agency, and made dependent upon only the Federal Government for its execution.

The committee also had before it an accurate estimate of what the result would be if any flood-control plan was made dependent upon local contributions. It requested and received a financial statement from every levee board from Rock Island to the Gulf giving, not only the present depleted condition of its treasury, but likewise the prospects for future revenue in its district. Those statements are included in Chapter III of this report. They show conclusively the practical bankruptcy of these boards, the heavy obligations still outstanding, the declining value of its assessments, and that only confiscation would follow an attempt to tax them further.

5. MISSISSIPPI RIVER COMMISSION REPUDIATED BY GENERAL JADWIN

The Mississippi River Commission was not retained in the bill reported hereon as the agency in charge of flood control of the Mississippi River because the report of the Chief of Engineers of the Army, approved by the Secretary of War and transmitted to Congress by the President, repudiated it.

MISSISSIPPI RIVER COMMISSION CRITICIZED BY SUPERIOR OFFICER (General Jadwin)

(P. 3587)

The CHAIRMAN. Don't you think it is the duty of this committee to consider the report and recommendations and considerations of the Mississippi River Commission, a duly authorized agency of the United States for the flood control of the Mississippi River, in the matter of a plan for the future flood control of the Mississippi River?

General JADWIN. I think you will have to decide that yourself. I do not think you are required to do it and it is not normal procedure, but if you want to do it and think you ought to do it, that is your duty.

The CHAIRMAN. You said this report came in by the back door.

General JADWIN. Yes, sir.

The CHAIRMAN. What do you mean by that?

General JADWIN. I meant I did not forward it up.

The CHAIRMAN. Why didn't you?

General JADWIN. Because there were so many things about it that I did not think were sound, it was better, I thought, not to send it up.

The CHAIRMAN. And you took it upon yourself to say that that report was not worthy of the consideration of Congress and you were going to stop it?

General JADWIN. That report I had called in from those people who were working for me, and I made my recommendations as I thought they should be.

(P. 4379)

General JADWIN. The present commission organization showed its defects in the preparation of the flood-control plans just completed. The Chief of Engineers had to prod the Mississippi River Commission to get a definite and constructive recommendation from them. And when their plan came, it was full of holes. The Chief of Engineers had no authority to make the commission correct glaring defects. In their first report they made no recommendation at all, but were led into a recommendation finally after being reminded that they had had 48 years in which to meet the study and that a report which recommended only further study would not meet their obligation.

VIEWS OF GOVERNORS ON LOCAL CONTRIBUTIONS AND JADWIN PLAN

On December 10, 1927, as the chairman of the committee, I addressed a letter to the governors of the States in the Mississippi Valley calling their attention to certain paragraphs in General Jadwin's report, and requesting them to advise the committee if the plan was satisfactory to their States, and if not, why not.

The following comments on the paragraphs of the Jadwin report as indicated are taken from briefs submitted by the governors of the several States in reply to this letter:

President's message transmitting the Jadwin report, paragraph 3.

The total cost of the recommended project is \$296,400,000, distributed over a period of 10 years. This large sum is manifestly justified by the necessities of the situation and the benefits that will result. In determining the distribution of the costs, there must be considered not only the people of the valley itself, who receive the major portion of the benefits, but also the great mass of taxpayers who suffer less directly from Mississippi River floods and upon whom most of the

burden of Federal taxation falls. It is axiomatic that States and other local authorities should supply all land and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to establish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly it would be very unwise for the United States to generously helping a section of the country to render itself liable for consequential damages. The Federal Treasury should bear the portion of the cost of engineering structures for flood control that is justified by the national aspects of the problem and the national benefits. It may even bear 80 per cent of such costs, but substantial local cooperation is essential to avoid waste. The portion this would leave to be borne locally for flood-control structures represents an expenditure of about \$3, or 30 cents per year for 10 years, for each acre in the alluvial valley to be protected every year from Mississippi River floods. The value per acre, including railroads, towns, cities, and other improvements, is estimated at something over \$200. It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection.

Brief submitted by Governor Martineau, of Arkansas:

In our humble opinion we differ from the message of the President in the following:

First. In the opening sentence, "The total cost of the recommended project is \$296,400,000." The figures \$296,400,000 do not by any means represent the total cost of the recommended project that ultimately will have to be expended. In addition to the 20 per cent local contribution recommended, which above figures do include, the local communities or States will have to provide, at their expense, the following items, which should be added to the \$296,400,000 to finally reach the total cost:

A. Rights of way for all levee structures.

B. Rights of way for all spillways and flood ways and drainage systems that might be found necessary.

C. Maintenance of levee at the head of flood ways deemed necessary in the opinion of the Chief of Engineers.

D. Guarantee of Government immunity from all damages.

E. To maintain all flood-control works after their completion (except controlling and regulating spillway structures).

The Jadwin report takes the position that the lands within the spillway area are not damaged and should be paid no damage. This, we consider, is the major economic mistake of the Jadwin plan, as unquestionably the owners of the lands will have to be paid for damages or flowage rights. This cost, we take it, would have to be borne by the States or local communities, by virtue of the damage-immunity guaranty and the rights of way proviso.

F. The assumption of the damage claims arising from the disrupted drainage system, the railroads, highways, etc.

The various expenses mentioned in connection with A, B, C, D, E, and F are not considered in the figures of \$296,400,000, but will have to be anticipated before the project is completed. Therefore, we contend that the sum mentioned does not represent the total cost by any means. We would heartily concur in the next sentence, "This large sum is manifestly justified by the necessities of the situation and the benefits that will result" if the word "protection" were used in connection with "benefits." The sentence would then read as follows: "This large sum is manifestly justified by the necessities of the situation and the protection and benefits that will result."

The balance of the paragraph, "In determining the distribution of costs," etc., we differ with in the following respects:

We will first attempt to analyze the condition.

We feel that entirely too much stress has been placed upon the "benefit" feature and not enough emphasis upon the "protection" feature; in fact, it seems that protection of the valley has been lost sight of and that "flood control" has been treated in the nature of a special improvement project with necessarily accruing benefits to the local communities.

This is, however, not the case. Flood protection, not levee benefits, is the paramount issue.

We feel that, as the flood waters originate in and descend from such a wide area of the United States, the damage wrought is national in its scope and its resultant cost should be borne by the Government.

The Jadwin plan consists, in part, of strengthening existing levees and moving back in the "bottle necks." Some local benefits unquestionably could be established by this procedure, but by far the major portion of the Jadwin plan depends upon spillway relief. The spillway feature, however, involves an entirely different principle, inasmuch as the spillway feature can be established as a decided detriment and menace to the contiguous territory, not aiding its own particular section, but threatening it with destruction in order to benefit some other community. Surely the lower valley should not be requested to pay a portion of its own funeral in order that other sections may survive.

Furthermore, the lower valley has reached the point of financial collapse, due to overtaxation for special improvements, and trying to protect itself against the flood waters of 41 per cent of continental United States.

The figures used, of a total acreage cost of \$3 for every alluvial acre at the ratio of 30 cents per year for 10 years, actually mean of the approximate total alluvial acreage of 30,000 square miles, or approximately 20,000,000 acres, there would be 8,000,000 acres included in the backwater and spillway area, which would leave only 12,000,000 acres to carry the entire burden of local contributions, which it has not the earning power to do. Considering the ratio in cultivation of this 12,000,000 acres, or 40 per cent, it would give only an approximate 4,800,000 acres, in the last analysis, to bear the burden, which would be excessive and impossible.

Brief submitted by Governor Sampson, of Kentucky:

The approval of the report of General Jadwin raises the issue as to whether flood control of the Mississippi River shall be under the supervision of, and financed by, the Federal Government, or whether it shall continue to be partially controlled and financed by the local levee districts and State governments involved, with Federal aid. The latter plan has been in effect since 1879. Crevasses at a dozen or more points, causing the destruction of thousands of acres of land and the loss of lives, homes, and towns have resulted during each successive flood. There is but one responsible agency which can formulate, erect, and maintain a protective system which will prevent or minimize similar disasters in the future, and that is the Government of the United States.

The suggestion that local assessments should continue to be made against the protected acres in the alluvial valley means that the owners of these acres will continue to be governed by their conflicting personal interests, with the result that the levees along some stretches of the river would be effective, along others weak, and that the whole plan will continue to be a failure for the protection of the valley.

"The cost of the recommended project is \$296,400,000." It is apparent from the evidence published in the hearings before the Committee on Flood Control of the present House of Representatives that the cost of (1) rights of way for levee structure, (2) for spillways, (3) flood ways, (4) drainage systems, (5) guaranty of Government immunity from all damages, (6) maintenance of levees at the head of flood works, and (7) of all flood-control works after their completion, except controlling and regulating spillway structures, will mean at least an additional 30 per cent local contribution. The evidence has shown conclusively that many levee districts are now unable, as the result of the damage wrought by the 1927 and preceding floods, to make any further contribution at all, and we respectfully submit that the adoption of section 1 will be the equivalent to a statement that no adequate flood-control program is to result from these deliberations.

Jadwin report, paragraph 2:

2. The plan is a comprehensive one, providing for the maximum flood predicted as possible, and for future expansion to meet changing conditions. It includes a spillway above New Orleans, diversion flood ways in the Atchafalaya and Tensas Basins, a river bank flood way from Cairo, Ill., to New Madrid, Mo., together with strengthening and a moderate raising of existing levees. It is designed to prevent any material increase in flood stages. Channel stabilization and navigation improvement are included. Exclusive of rights of way, incidental drainage works, and damages, if any, recommended to be borne by local authorities, the estimated cost of flood-control works is \$185,400,000, and of channel stabilization and mapping, \$111,000,000; a total of \$296,400,000. The distribution of cost must be determined by law. The suggestion is made that a distribution by which the cost of flood-control works in general is borne 80 per cent by the Federal Government and 20 per cent by the valley States, and the entire cost of channel stabilization is borne by the United States, would accord with the fiscal policy of the President and the precedents established by Congress.

The reorganization of the Mississippi River Commission, Federal control over structures within natural flood ways, and the comprehensive mapping of the alluvial valley are also recommended. Flood control of tributaries will be reported upon after the completion of surveys already authorized by Congress.

Brief submitted by Governor Sampson, of Kentucky:

The evidence before the Flood Control Committee clearly indicates that the plan is incomplete, impracticable, and will result in a continuation of the same lack of systematic flood control which has been the chief cause of the 1927 and previous disasters. The failure of this plan, if adopted, is predicted because it will be impossible for many of the districts involved to bear their share of the cost, and failure to construct the system at any considerable number of points would mean the failure of the whole plan, even were it otherwise unobjectionable. A chain can be no stronger than its weakest link.

Jadwin report, paragraph 25:

25. Economic necessity and local cooperation: As directed by the law relating to reports by the department, I submit a statement as to the

general and local benefits of the plan and the local cooperation that should be required on account of local benefits. The question must be viewed from the standpoint not only of those in the valley needing flood protection but also of the taxpayers in other parts of the country, including the regions from which the flood waters come, who suffer indirectly from flood disasters, and on whom the bulk of the burden of Federal expenditure must fall.

Brief submitted by Governor Simpson, of Louisiana:

This makes clear some of the considerations which prompt the advocacy for local contributions, namely, the indirect taxation of those sections of the country not directly affected by the flood problem. Were these considerations weighed on the scales of justice?

If weighed upon the scales of justice, then where shall the line be drawn? If it be unjust that the extreme Eastern States and the extreme Western States shall indirectly bear a share of the expense of flood control, then it is injustice to the nth power that the State of Louisiana should be even indirectly taxed, to say nothing of the effect of superimposed taxation which is the result of local tribute. The extreme East and the extreme West are neither the ones causing the damage nor the damaged. But can the same be said of many of the States which go to constitute the drainage basin spreading out to the north of Louisiana and whose excess drainage overflows converge in this State to the constant peril of lives and property? Louisiana is the major damaged party. Does justice countenance that the damaged party shall pay further tribute as hostage against sustaining further damages?

Jadwin report, paragraph 26:

26. Several estimates of different well-protected parts of the Delta Valley result in an average price per acre of \$224 when towns and all property, such as houses, roads, railroads, land, etc., are included. The total area of the valley originally subject to overflow is 29,790 square miles, or 19,065,600 acres, 12,000,000 acres of which is usable. This 12,000,000 acres at \$224 per acre is worth about \$2,688,000,000. Adding the probable value of New Orleans would bring this sum up to about, \$3,500,000,000. Movable property added would make it something like \$5,000,000,000.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin attempts in this paragraph to establish a land valuation of \$224 per acre for the 12,000,000 acres of usable land of the total 20,000,000 acres comprising the alluvial valley. To arrive at this figure he evidently added to the true valuation of these lands the true valuation of all personal property, cities, and towns, as well as all utilities and other improvements.

While the figures quoted may possibly reflect the combined total true valuation of the entire alluvial section of 20,000,000 acres, it must be borne in mind that these figures also evidently include all city and town personal property and utilities, and it would not be fair to the lands of this section to shoulder the combined total true value upon them. It is a well-known fact that these lands possess a true valuation of approximately \$50 per acre, can be bought for same, that they produce a return that substantiates this figure and not a true valuation of \$224 per acre.

Unfortunately for this section, virtually all levee construction heretofore has been financed upon a direct land taxation, based upon the theory of resulting direct benefits derived by the lands from such levee construction. Personal property, while unquestionably benefited, has not shared in this construction cost; necessarily the very much overburdened lands had to shoulder all of the costs. (Whatever plan is finally evolved, this past mistake should be rectified so that personal property may bear its proper ratio of costs.)

Brief submitted by Governor Sampson, of Kentucky:

Even if true, the facts stated are not relevant. Local levee taxes have been levied on acreage, and personal property has never borne any ratio in flood control. The evidence before the committee has shown that 12,000,000 usable acres of land have an average assessed value of approximately \$50 per acre, and it is against this land that the local charges for flood control, according to Jadwin's plan, would be assessed. And when it is considered that less than half of this is in cultivation, it is evident that it would be impossible for it to bear the burdens in addition to those now carried, which would be excessive and confiscatory.

Brief submitted by Governor Simpson, of Louisiana:

Here is an acreage appraisal averaged by dividing the total values by the total acreage. This is very much like going into a jewelry factory, obtaining the value of all the jewelry, of rough gold, of machinery, of buildings, etc., and estimating the value of the whole plant and saying the property is worth so much per ton. (See attached chart indicated for paragraph 26.)

Further: Exclusion should be made of the appraised value of the aggregate personal and movable property, the reason being that local contributions would, if levied, have to depend upon the issuance of

local bonds. Such bonds could not be made to rest upon movable property. Calculations should be confined to the realty figures.

Jadwin report, paragraph 27:

27. The values and population behind the levees are increasing all the time. It has been estimated that damages from the 1927 flood were over \$200,000,000.

Brief submitted by Governor Martineau, of Arkansas:

We coincide with General Jadwin here, but believe his damage figure of \$200,000,000 entirely too small. Our figures as to damages for Arkansas were submitted to you in a questionnaire report.

Brief submitted by Governor Simpson, of Louisiana:

There have been increases in some localities, and also substantial decreases in other localities. More recent estimates of the flood damages, as above stated, exceed \$400,000,000.

Jadwin report, paragraph 28:

28. The plan for river control contemplates spending about \$300,000,000, or about one-sixteenth of the value estimated above. On the basis of 12,000,000 acres of usable land, this is an average expenditure of about \$25 per acre, but it must be remembered that this includes protection to cities, towns, etc.

Brief submitted by Governor Martineau, of Arkansas:

We concur with General Jadwin that the lands, cities, and towns represent a valuation and importance justifying the costs, although we do believe his allocation of such costs should not revert back exclusively to an acre basis, and not include personal property, if, in the last analysis, the localities and the States have to partially contribute to any cost of this plan.

Brief submitted by Governor Simpson, of Louisiana:

The property and the areas affected should not be interpreted in terms of acres. The protection of land, merely as such, is not sought. In the main, we seek flood control for the protection of lives and of homes; for safe conduct in the pursuit of livelihood; for the promotion of sanitation and health; for the protection of transportation and all means of communication—all those things which are in the desire of man but which require industry and perseverance, labor, and capital. It is well known that the area has several millions of acres, many millions more than there is any immediate need for. Surely we should not regard the problem in terms of acres. We outline the benefits of protection as interpreted in "the necessities of the situation," as safeguarding the conduct and development of interstate commerce, the promotion of navigation, the preservation of national welfare, the mobility of facilities in the national defense, and the safety of the United States mails.

Jadwin report, paragraph 29:

29. The cost of the project is unquestionably justified. It will prevent a repetition of the widespread disaster, human suffering, dislocation of the economic life of the valley, interruption of interstate commerce, and the effect on the general welfare of the Nation that attended the recent flood. The expenditure would be justified even though such a flood occurs but once in 150 years. It will prevent the less extensive flood disasters that are likely to occur at much more frequent intervals. The protection afforded to the cities back of the levees in the valley against a flood even greatly exceeding that just past is especially justifiable from a humanitarian standpoint, since an unexpected break in the levees at these places would probably result in serious loss of life and might be an unparalleled catastrophe.

Brief submitted by Governor Martineau, of Arkansas:

We heartily concur with this paragraph in its entirety.

Brief submitted by Governor Sampson, of Kentucky:

While heartily indorsing this paragraph, we would suggest that the first sentence should read:

"The cost of a comprehensive Federal plan of flood control is unquestionably justified."

Supporting this suggestion we desire to submit that exclusive jurisdiction is in the Federal Government.

In the pre-Revolutionary days the exclusive control of all navigable waters within the 13 Colonies was in the Crown. With the termination of the war this exclusive control was vested in the Colonies as affecting the streams within their borders. These 13 Colonies were sovereign domains—separate and apart each from the other. In the very nature of things, commercial war between these sovereigns ensued. Each State sought to gain advantage over its neighbor and things looked dark for the future of these sovereigns.

Relative to their navigable streams, it is apparent that many questions would arise concerning which their interests would differ. The stream might be the boundary line; it might rise in one State, traverse another, and empty into the sea in the third. Much bitterness was engendered in the effort to control commerce.

So it has been authoritatively stated that the conditions affecting the commerce of the country was the main contributing factor to the

agreement between the States to form a cohesive government, culminating in the Constitutional Convention and this Federal Government of to-day.

We must never forget that our Federal Government is one of delegated power. Prior to the adoption of our Constitution, the respective States controlled the commerce and the waterways within their borders. In forming this new partnership of States and the creation of the Federal Government, they specifically agreed that the Federal Congress should have the power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes."

We respectfully submit that the Federal Government at no time has ever relinquished its exclusive control of the navigable waterways of our country. Its exclusive jurisdiction has been construed to be such as permits its control upon the headwater streams which find their way to navigable waterways.

A State, nor any subdivision thereof, may not build a bridge within its own confines over a navigable stream unless and until it bespeaks permission of the Federal Government. A State, subdivision thereof, or individuals, may not deal to the point of interfering with commerce, with these navigable streams unless and until the Government to whom they have delegated this exclusive jurisdiction permits. So, if we are correct in the premise (and undoubtedly we are) that the control of commerce was the chief motivating factor in the union of the States, we would suggest that the main method of transportation, excepting a few stage coaches, was by way of water. Thus we have a condition in which the States surrendered and delegated to the Federal Government exclusive control of commerce between the States; and under that contract the Federal Government has jealously claimed exclusive power over these streams throughout the years and there is no way, except by constitutional amendment, whereby this power can be surrendered, even in part, to the respective States.

Referring specifically to the Kentucky situation, to state clearly the helplessness of our State to prevent the flood conditions which there obtain, I would recall your attention to the early remarks in this brief. In the early days, before our sister State, Missouri, with Federal aid, acting on plans of Federal engineers, took action in the matter, the flood waters of the Mississippi overspread the lowlands in Missouri, and our little river cities were safe in their higher elevations from any flood water that had visited that section. Then, Missouri, with Federal aid, under Federal law, endeavored to protect her lands from this overflow. Kentucky was without power to prevent its sister State from protecting its domain and was without power to prevent the course of the Father of Waters being changed. The control of the Mississippi River was in the hands of the Federal Government, and Kentucky must stand and receive the changed course of this mighty stream to its damage and detriment over many, many years. We respectfully submit that this changed condition, brought about in no part by our State, should not occasion a burden to our people, because of our constitutional weakness in this respect.

Brief submitted by Governor Simpson, of Louisiana:

"The cost of the project is unquestionably justified," but we conceive that the "necessities of the situation" justify a more extensive project and a more comprehensive plan even if at a greater cost.

"It will prevent a repetition of widespread disaster." Under the application of the rule of probabilities, no certainty prevails in the plan that would positively prevent a repetition of widespread disaster. The feeling would be one of hope but not necessarily of certainty, and it will take considerable time to restore confidence so essential to the sense of security. The execution of any plan would take years to complete. The time factor is inherent. This observation has a direct bearing on the capacity to pay of numerous levee districts. More bonds could not be sold until after the restoration of confidence and the reestablishment of a full sense of security. This is of the utmost importance, because it directly affects the weak links in the general chain.

The third sentence, "The expenditure would be justified even though such a flood occurs but once in 150 years." This sentence is not only admitted but contended without qualification. Concerning the last sentence of paragraph 29, exception is taken to the phrase "the protection afforded." We would change as follows: Substitute for the word "the" the word "full" and strike out the word "afforded." The first three words of the sentence would then read "full protection to." As the sentence would then read, it would express our sentiments exactly.

Jadwin report, paragraph 30:

30. The estimated cost of \$296,400,000 for the construction of flood-control and navigation works does not include the costs of rights of way for flood-control works, the cost of any drainage works required therewith, nor the cost of any flowage rights that may be required, nor damages, if any, resulting from the execution of the plan. No questions of rights of way or damage arise in connection with the navigation works. Local interests should in the future as in the past provide all rights of way for flood-control structures. They best can obtain the land at a fair value, and vexing questions as to Federal ownership, administration, or police of the narrow strips of land will be eliminated. Their land is enhanced in value by the works. Tax

collections show that the land in the upper Yazoo Basin has ten times the value that it had before it was leveed. The United States ought not to buy a part of the land to enhance the value of the rest.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin makes it clear in this paragraph that the cost of providing rights of way, flowage rights, or drainage necessary for the proposed flood-control works, or any ensuing damages, which would also include damage to highways, railroads, etc., should be borne by the localities or States on the theory that the lands are enhanced in value by the improvement.

General Jadwin so disposes of this major feature. This, however, is the crux of the whole situation. It is unthinkable that the people owning this vast area of land, approximately 2,000,000 acres of spillway, exclusive of Bonnet Carré and Cape Girardeau area, should have their lands converted at times into a raging river, carrying a volume of water approximately three or four times as great as the St. Lawrence River (and, who knows, might be much greater with the uncontrolled fuse-plug inlet) rushing over their homes and fields. There is but one just and honorable way to handle this situation; that is, to pay these people for their lands, or acquire the flowage rights, and pay for the resulting damage to drainage system, highways, railroads, etc. This would reach such a prohibitive figure that the Government alone could bear the cost.

As to the lands being enhanced in value thereby, the contention is without merit. Other lands will be rendered more safe, but it will not be these or any contiguous lands; it will be the lands farther removed (in most cases, land situated in other States). In fact, it is a national benefit (the spillway remedy virtually being the key to the Jadwin plan), is solving the question of flood levels of the parent stream, and therefore ceases to be of local nature.

Brief submitted by Governor Simpson, of Louisiana:

The first two sentences of this paragraph indicate a given estimate of known figures for some of the work contemplated but only constitutes a part of the whole. That part of the plan which is concerned with drainage works, flowage rights, cost of damages in the process of executing the general project, and the costs of rights of way, indicates cost items, estimates of which should be given and their aggregate should be added to the figure of \$296,400,000 in order that there may be included a gross estimate of the entire project contemplated. It would then be more clearly shown that the Jadwin plan proposes to charge the local communities with heavy costs which, when added, would show a considerable disparity between the actual and apparent division of costs, more nearly reaching a division 50-50 instead of 80-20.

We can not agree with the third sentence of paragraph 30, which begins with the phrase "local interest should, etc.," on the following grounds:

1. We have declared against the principle of local contribution.
2. To give land to the National Government would be in effect a form of local contribution.
3. It may be found necessary to construct works in one State for the protection of another (in whole or in part).
4. What State would be willing to yield territory for the protection of another without acceptable compensation?

The contention involved in the phrase "should in the future as in the past" is attacked for the following reasons:

1. Submission to hardships in the past is no justification for a continuance of the practice.
2. The very fact that the practice advocated is a part of the past ineffective scheme should be in itself sufficient to condemn it, or at least it should furnish a strong argument against perpetuating the errors of the past.

To the fourth sentence, beginning with the phrase "They best can obtain the land," we take exception because the inferred reasoning in the sentence appears as follows:

1. You, the State, can buy the land cheaper than we, the Federal Government.
2. Therefore, you should buy it, giving your own citizens less money.
3. Because you can buy it cheaper than we, you should buy it and pay for it with your money.
4. After you have bought and paid for it you may then deliver it to us without compensation or refund.
5. We will then construct part of a national system for the Nation's general welfare on your land (or works, perhaps, for the special protection of some other State).
6. And after that we will be glad to shift the responsibility to you, as we do not wish to be concerned with the vexing questions of ownership, which may require policing, etc.

Such an attitude is manifestly unfair, to say nothing of the fact that it is developed upon the inoperable base of local contribution. Nor is there any need for relegating to the State the task of acquiring the needed land. Under proper provisions in the flood-control bill, the Federal Government could operate directly to acquire such land as it needed and on a basis equitable and fair to all. It has the right of eminent domain, and could follow the procedure of condemnation

based on valuations made by three competent appraisers appointed by the United States district court, as was done in the instance of the Algiers naval station at New Orleans.

The next sentence:

"Their land is enhanced in value by the works."

Comment: While the word "works" is here not qualified, we will assume it to mean flood-protection structures. Even then it becomes difficult to determine the specific character of structures intended. But we will interpret the application as of "protection."

To enhance value is the creation of value.

Thus, protection enhances value equals protection creates value. Now, before proceeding, we must have a common understanding of the meaning of the word "value" as here applied. Since the inference is interwoven with a design to show a justification for additional taxation in the form of local contributions, we must qualify the word "value" as meaning "money value," since taxes are collected in money. It is well known that money values are made up by a plurality of factors and that the change, addition, or increase of no one factor alone necessarily changes the net results of value unless all other factors are known, and known to be constant. But is this the case? Everything about us is in process of flux. Influences are changing, the factors are variable. We are considering hundreds of miles of river and millions of acres of land. How, then, can it be positively stated that values will increase without simultaneously qualifying all the other value factors? Values may or may not increase. The quoted statement is not axiomatic, but purely speculative.

The next sentence states:

"Tax collections show that the land in the upper Yazoo Basin has ten times the value that it had before it was leveed."

Comment: The implication here conveyed is an additional attempt to interweave the relationship of cause and effect between flood protection and values. For purposes of reasoning, let us grant the statement. Even then may it not be other than the description of two parallel facts not necessarily related as cause and effect? We would indicate the expansion of world consumption of cotton, which has increased during the past 25 years from about 11,750,000 bales of American cotton to that recently obtaining of over 17,000,000 bales, during which period of time prices rose from around 7 cents in the midseason of the year 1904-5 to a price in 1920 of over 40 cents per pound and averaging a mean price level of around 20 cents per pound during the last seven years or so, or from 1920 to the beginning of the current marketing season. We would also indicate the collateral growth of the country in general and especially the intensive development of railroad transportation. Improvement in communication, increases of national and local population, the expansion of the money factors and the use of credit, the decline in the general purchasing power of the dollar and an especial factor through the value tributary to "quality." The application of this factor pertains to the growth of staple cotton, which commands a premium in the world's market. We can then readily see that economic growth and the growth of population have increased the value tributary factor of "need," and the expansion of money and credit must necessarily contribute toward the matter of price. Aside from these points, why did the Chief of Engineers single out the Yazoo Basin? He could readily have selected another illustration which may, however, have reflected an opposite result. We call attention to the sugar lands of the State of Louisiana which steadily declined in value simultaneously with the increase in levee improvements. Why should not the implication be made that, because these two facts are parallel, they establish a relationship of cause and effect, and that improvement of the levee systems in the State of Louisiana has caused land values to decline? This would be just as logical, but we do not contend that this is the case. We know that the decline in the value of sugar lands in the State of Louisiana is due to the operation of varied conditions and factors, some remote by hundreds of miles and separated by the Gulf of Mexico. For instance, we refer to the island of Cuba, wherein sugar is produced in great volume at low cost. This has increased the world supply of sugar, forcing world prices to low levels, as one of the contributing factors. Additional factors, not in any way related to, or connected with, levee protection or flood-control measures are destructive insects and what is known as the mosaic disease.

The next sentence states:

"The United States ought not to buy a part of the land to enhance the value of the rest."

Comment: If motive is implied, we agree with the statement. The United States ought not to buy a part of the land (with the purpose) to enhance the value of the rest, but if motive or purpose is eliminated, we disagree with the statement for the reasons previously mentioned in connection with the discussion of land-money value.

Before passing from the subject of the implied relationship between flood-control works and enhancing values, we again refer to the first line of paragraph 27, which is as follows: "The values and population behind the levees are increasing all the time." The express statement of this sentence is that values are increasing; that is, they are increasing even now before the proposed additional flood-control measures. This develops the following questions:

- (a) If values have been and are increasing.
- (b) If values will hereafter increase.
- (c) Why need the predicted increase in values be attributed to the new measures of flood control?

In the absence of known extent, the inferences appear irreconcilable but also confirm the view that values are affected by numerous factors other than flood control.

Jadwin report, paragraph 31:

31. Such drainage works as will be required in connection with new interior levee construction are of direct benefit to the lands affected and their cost should be borne locally.

Brief submitted by Governor Martineau, of Arkansas:

We beg to differ again with General Jadwin. In most cases lands contiguous to new interior levee construction have already anticipated their drainage needs, and have constructed drainage systems that are adequate and are functioning properly, against which there are large outstanding bond issues. This new interior levee construction in a great many cases will disrupt the present flowage and cause great damage.

How will these drainage districts be benefited, and why should these same people have to bear the added costs again, in the form of a levee tax, for damages?

Brief submitted by Governor Sampson, of Kentucky:

Practically throughout the valley drainage works have already been built at local or private expense to conform to the present ineffective and haphazard plan of flood protection. The building of these works has in many, if not most, instances exhausted the credit of these localities. Should they now be burdened with them, with the additional expense of again conforming to another so-called comprehensive plan for their protection?

Brief submitted by Governor Simpson, of Louisiana:

It is admitted that drainage works are a benefit to the land drained and also of benefit to sanitation and to assist in the preservation of health. And it is for these reasons that exception is taken to the last line of the said paragraph in so far as the Jadwin plan is concerned or any other flood-control plan which may impair, obstruct, or destroy any of the drainage systems which now exist or which may exist prior to, or at the time of, the execution of such a plan. We have established drainage systems in all of the presently proposed spillway or diversion areas which would be subject to damage or destruction by these flood-control measures. The development and extension of these drainage systems has been under way for a great many years. Bonds have been issued based on special drainage taxes which would result in damage to bondholders in addition to the damage to landowners. Whenever works undertaken by the levee board have obstructed or impaired these drainage systems, they have been restored at the levee board's expense. It logically follows that, in all such cases, the National Government should bear the cost of restoration.

Jadwin report, paragraph 32:

32. It is a fundamental principle that no damages lie against either Federal or State Government, or local agencies, on account of an accidental crevasse in the levees. The plan has been drawn to reduce to a minimum the damage to lands and structures resulting from the flow at high floods through the flood ways. All property affected lies in the natural high-water bed of the river. Much of this land was transferred to the States by the swamp act approved September 28, 1850. The purpose of this act was to enable the States to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein. The principle involved was not new, as the early French grants in the lower valley contained a proviso requiring the grantee to construct and maintain a levee line along the river front of his property.

In the State of Louisiana this old servitude has been transferred by the State to the levee district in which the land is located. Whether or not the servitude or flooding was transferred to private owners when the land was sold, the servitude existed when the land was granted to the States without cost. It should not now be paid for by the Federal Government. Moreover, the lands, with some exceptions, will have the same protection as is afforded by the present levee system, a protection provided partly at the expense of the Federal Government. The exceptions are the lands in the Bonnet Carre flood way and in the setback flood way from Birds Point to New Madrid. The acquisition of flowage rights by the State or local interests may be necessary in these cases. In any case, the lands should remain in private ownership in order that their productive capacity may be fully availed of. The United States does not in general own the bed of navigable streams; much less need it own land flooded only at long intervals. Damages, if any, which may be found legal and proper as a consequence of the

plan should be met by the States, since these will be directly benefited by the works.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin in this paragraph goes to great length in an effort to justify the principle advanced, and while in some cases he has former court rulings to sustain his contentions, we wish to offer the following objections:

The southeast Arkansas levee district and the Tensas levee board of Louisiana, under whose supervision that portion of the land lies that is included in the Cypress Creek and Boeuf River spillway, in 1917 were told by the Mississippi River Commission that to close the natural outlet of Cypress Creek into the Mississippi River it would be necessary for the local communities to construct a drainage system to provide for the surface waters, and that when this was done the Mississippi River Commission would order the closure of Cypress Creek gap in the levee. This drainage suggestion was complied with, and the Mississippi River Commission ordered the said levee districts to deposit their one-third of the necessary money for the closure of the Cypress Creek gap in the levee, which the two levee boards did. However, to comply with this order of the commission, the levee districts sold additional levee bonds in connection with other works that were progressing at that time, which are at this time outstanding. The basis of value of these bonds is (as are all the others) for the protection and benefit of these lands (with others) that are situated within this proposed spillway, which if adopted will virtually destroy their real worth and purpose for which these bonds were sold.

In this case, would the "fundamental principle that no damage lie against either Federal or State Government" hold good, in case a fuse plug was installed and later was intentionally allowed to blow out?

This paragraph also recites that "the plans have been drawn to reduce the damage to the minimum." This, however, has not been done, as there is no doubt but that the resulting damage will be much greater with an uncontrolled spillway plan than with a controlled spillway.

The principle of swamp or overflow land grants from the Government to the State is raised. These lands were originally given by the Government to the States for the purpose of constructing necessary levees and drains to reclaim the swamp and overflow lands therein, and originated under the French Crown.

In compliance with the swamp and overflow land grant act of 1850, the States sold the lands so granted by the Government to prospective home builders, who with their descendants developed an agricultural empire, which in turn not only represented to the States themselves but also the Government one of the chief sources of their combined prosperity and dependency, the Government, as well as the States, sharing in the returns. In the last analysis, the States converted the funds derived from the land sales to the construction of levees, making this development possible for them and the Government alike.

If, now, some of these lands are necessary for spillways, why should the local communities (who have developed same) or the States not be recompensed therefor? The stipulation that the grants carried has been complied with and the Government has shared in the returns. It is well to bear in mind the amount per acre that the United States paid France for all of the lands included within the Louisiana Purchase, not so much from a dollar-and-cents standpoint but as a comparison with what the grants really represented at the time of donation.

We also differ again with General Jadwin wherein he states that "the lands within the spillway will have the same protection as now offered," as under his plan any effort to combat a threatened breach in the fuse-plug levee would be prohibited. We are also at variance with his opinion "that the lands would be just as productive as ever, with the exception of the years they were overflowed" as it would virtually be impossible to get any one to risk the hazard of farming or any financial interests to supply capital for investment therein on an agricultural basis. The result, in our opinion, would virtually mean abandonment of the entire acreage, except as a reforestation venture.

Brief submitted by Governor Sampson, of Kentucky:

This statement impresses us as wholly inadequate for the protection of the several counties of Kentucky and Tennessee, from Cairo to Memphis, where the construction of levees and revetments in Missouri has resulted in flowage damage and destruction along the eastern bank of the river in Kentucky and Tennessee. This damage has not resulted from any natural flowage of the flood water but has been caused directly by the protective works on the Missouri side. It is not fair that the cost of this destruction and damage should be borne by those thus damaged or destroyed. The same reason applies to the construction of other artificial spillways and flood ways. We are impressed that this is the fundamental economic error of the Jadwin plan. By the construction of the levees and revetments on the Missouri side of the Mississippi River the natural flow of water has been so changed as to cast it upon the eastern side and onto the lands of Kentucky and Tennessee. It is a well-recognized principle of law that the artificial

change of the natural flow of water ought not to cast any burden upon those damaged by the change thus produced.

Brief submitted by Governor Simpson, of Louisiana:

To correctly analyze this statement, it is necessary to bear in mind that there are two classes of levees in Louisiana, one along the Mississippi and tributaries and the other as part of the works necessary for draining low lands, which have not gravity drainage.

The swamp-lands grant included lands far removed from the Mississippi River and were made to a great many States distant from the Mississippi. These grants were not made for the purpose of building levees on the Mississippi, but as shown in the title of the swamp land act of March 2, 1849, chapter 87 (9 Stat. L. 352), title, "An act to aid Louisiana in draining the swamp land therein."

Various courts, Federal and State, have uniformly interpreted the swamp-land grants to have been adopted in aid of the general policy on the part of the National Government to aid the individual State in reclaiming swamp and overflowed land. (*Leovy v. U. S.*, 177 U. S. 621; *Marigault v. Springs*, 199 U. S. 472; *Kimball v. Reclamation Funds Commission*, 45 Calif. 344; *Packard v. Johnson*, 4 Pacific 632; *Sherman v. A. P. Cork Co.*, 98 Mich. 61, 57 N. W. 23; *State v. County Court of Wayne County*, 98 Mo. 362, 11 S. W. 758.)

These lands, after being transferred by the United States to the State of Louisiana were, in turn, transferred to private individuals and the following principle then became applicable: "Where land is owned by the United States adverse user of an easement over such land can not begin until title has passed to a private grantee." (*Pauson v. Elgar*, 4 Cranch. C. C. 454; *Union Mill Co. v. Ferries*, 2 Saw. 176; 19 C. J. 955 (174, Note 1).)

It is true that certain levee districts, in parts of Louisiana, have exercised the rights of servitude referred to, but this doctrine of servitude was departed from under the following circumstances:

Originally in Louisiana the rural sections of the State were composed of vast plantations fronting on navigable streams. This was in the day of the sugar barons and the indigo grandees when countless hordes of African slave labor, man, woman, and child, toiled unceasingly from daybreak until sundown. During that epoch, the principle of riparian servitude was equitable and just. With a change of times there came a change of conditions, so that what was once a principality in superficial extent was subdivided into small farms, villages, hamlets, and cities. The method whereby the entire burden of flood control was placed on the abutting owner then became unfair. Louisiana, in an effort to be just to its citizens under the changed conditions, reapportioned this burden of controlling the flood waters of the Mississippi by adopting this section of its constitution (sec. 6, Article XVI):

"Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the assessed value for the preceding year; provided, this shall not apply to batture nor to property, control of which is vested in the State or any subdivision thereof for the purpose of commerce.

"If the district has no other funds or resources out of which such payment can be made, it may levy on all taxable property situated therein, a tax sufficient to pay for said property so taken not to exceed one-fourth of one mill on the dollar, to be used solely in the district were collected. This shall not prevent the appropriation of said property before payment."

The foregoing principles are supported by the reasoning of the Supreme Court of Louisiana in the case of Louisiana Society for Prevention of Cruelty to Children v. Board of Levee Commissioners of Orleans Levee District (143 La. 105). Through Mr. Justice Provosty it said:

"The dictating idea was that the immensely increased cost of constructing the levees, owing to their immensely increased size, had made it advisable, as a pure matter of economy, to locate the new levees at a much greater distance from the river than formerly in order that they might not have so soon to be moved back, and that the effect of this was to render this servitude of levee so burdensome that in common justice compensation ought to be made to the riparian proprietor or person whose property was being occupied by the new levee or put on the river side of it; that the levee was no longer as formerly a mere potato ridge along the side of the river bank, which the front proprietor could, and was required to, put up at his own expense, but a great public work, the cost of which should not be made to fall with crushing weight upon the front proprietor, but be distributed over the entire area to be protected; that the making of such compensation was impossible in the country parishes, where sufficient funds could not be provided for such compensation in addition to what was imperatively required for the levee work proper, but was in a measure possible in the city of New Orleans, where larger values were being protected and ampler means available."

Such were the considerations which led to the adoption of section 312 of the constitution of Louisiana for the year 1898, which section relieved urban property in cities having a population of over 5,000 from the riparian servitude for levee purposes; the present section (section

6, of Article XVI, Constitution of Louisiana, 1921) merely extended the principle to rural riparian property.

In *Norwood v. Baker* (172 U. S. 269) the Supreme Court of the United States had occasion to express itself upon the gross injustice and want of equity in thrusting upon the abutting property owner the full burden of a local improvement, the benefits of which inured to the general public. In that case the Supreme Court said:

"Where public improvement assessment is in substantial excess of the special benefit accruing therefrom, it is, to the extent of such excess, a taking, under the guise of taxation, of private property for public use without compensation."

It will, therefore, manifestly appear that in relinquishing the riparian servitude for levee construction, the State did not idly or foolishly give away a substantial right, but this departure was made necessary by changed local considerations, and was strictly in the spirit of the principles laid down by the Supreme Court of the United States in the above case.

Jadwin report, paragraph 33:

The project should be authorized subject to the condition that except when specially authorized by the Secretary of War, upon the recommendation of the Chief of Engineers, no Federal funds shall be expended upon the part of the project within any State until that State has accepted by appropriate legislation these conditions and responsibilities. The saving exception is suggested to cover the case where the procedure requisite to the enactment of the legislation would unduly delay the initiation of work of far-reaching benefit, particularly if such work is essential to the protection of another State which has fulfilled these conditions.

Brief submitted by Governor Martineau, of Arkansas:

To comply with this feature would be well-nigh impossible; opposition to the necessary State legislation would be made by the people living outside the flooded area, who would feel that they were doubly taxed and not receiving any special benefit. They would not, however, object to their ratio of tax from the Government. In addition thereto, under our State constitution, there is no proviso for such legislation.

Brief submitted by Governor Sampson, of Kentucky:

This suggestion shows the weakness of the proposed additional authority which would necessarily result from local contributions to the supported plan. We submit that the Congress should provide for a basic, comprehensive Federal flood-control plan, which should be owned, maintained, and controlled under Federal laws. It would be unfair to ask the Federal Government to provide the funds for building a flood-control system for which they would not have entire responsibility. It has already been definitely proven that it is impractical and ineffective to draw up a plan by which each locality can contribute to a general flood-control plan while chiefly interested in their own locality. At present it is necessary for some States and some localities to bear an unequal burden for the protection of their neighbors, and many such States and localities now find themselves in such a position that they can no longer bear this burden at all.

Since 1882 the States and local districts have expended for levee construction approximately \$167,000,000, while the Government has expended \$71,000,000. In addition to this, States and local districts have expended millions for flood protection on tributary streams, and this tremendous burden has been carried as long as it has been possible by the localities which have so frequently found themselves inadequately protected, even after expending these tremendous amounts.

Brief submitted by Governor Simpson, of Louisiana:

The differences which would arise under the provisions of this paragraph are sufficiently clear and well known, so that additional comment is unnecessary.

Jadwin report, paragraph 34:

The present flood control act provides that local interests shall pay one-third the cost of levee construction. The following table shows the proportions of the cost of levees actually borne in the past by the Federal Government and local authorities:

Amounts expended by the United States Government in the construction of levees and the amounts expended by States, levee districts, and communities interested from 1882 to December 31, 1926, covering cost of yardage placed, rights of way, interest, engineering expenses, repair work, high-water expenses, crevasse closing, etc.

Mississippi River Commission districts	Expended by United States from Government funds	Expended by United States from contributed funds	Expended by State and local organizations	Total
Northern.....	\$3,127,533.49	\$1,083,857.69	\$9,916,110.91	\$14,127,502.09
First and second.....	19,796,161.78	4,348,420.82	42,766,497.05	66,911,079.65
Third.....	27,614,208.84	5,852,103.37	34,782,460.96	68,248,773.17
Fourth.....	20,552,089.47	3,773,893.32	64,488,106.33	88,814,093.12
Total.....	71,089,993.58	15,058,280.20	151,953,175.25	238,101,449.03
Per cent.....	30	7	63	

Brief submitted by Governor Martineau, of Arkansas:

This table clearly shows that the States and local districts have expended for levee construction since 1882 approximately \$167,000,000 to the Government's \$71,000,000, or an excess expenditure on the part of the States and local communities of approximately \$96,000,000. From 1717 until the swamp land grant act of 1850, a period of 133 years, there was no governmental contributions, all costs being borne locally.

In addition to all of this, there has been a great expenditure on the part of the State and local districts for levee construction and maintenance of the tributary streams that have a direct effect on the parent stream, of which no mention is made at all, but should unquestionably be taken into consideration. Incomplete figures from the tributary stream expenditure of Arkansas alone, outside of the Mississippi River Commission jurisdiction, show the amount to have been \$17,016,534.58.

Brief submitted by Governor Simpson, of Louisiana:

This recitation of customs, practices, and expenditures in the past is a full exposition of injustice and shows clearly the underlying causes which have contributed to the ineffectiveness of past effort; and, if continued, will further demonstrate the weakness of divided control.

Jadwin report, paragraph 35:

35. In addition to meeting the costs shown in the table, the inhabitants of the valley have been subject to recurring flood damage. The direct damages suffered from the 1927 flood are estimated by the Mississippi Flood Control Association to have been \$236,334,414.06.

Brief submitted by Governor Martineau, of Arkansas:

The indirect damage item is, in our opinion, as large or larger than the direct, which would make the financial loss appalling.

Brief submitted by Governor Simpson, of Louisiana:

Reference is avoided or omitted concerning any estimate of indirect damages. We feel that the unrevealed indirect damages are of the greatest moment to the national welfare. The ratio of economic effect between direct damages and the indirect damages is so extensive as to be nearly incalculable.

By way of illustration, let us assume that the world's rubber production was substantially destroyed by floods, blights, or for any other reason. While the direct damages to the rubber crop based on complete destruction would be large, it is difficult for the imagination to grasp the result of the indirect damages which the nations of the world would be obliged to sustain, and particularly is this so of the United States. The direct damages would be insignificant in comparison with any estimate that may be attempted to determine how such a catastrophe could affect the livelihood and the financial welfare of millions of human beings thousands of miles away from the points at which the direct damages were sustained. We need go no further than consider the effect upon the automobile industry and upon all of its interrelated industries. Cotton grown in the alluvial valley contributes to the employment of an untold number of human beings, both directly and indirectly, in extensive sections of the country hundreds of miles away from where it is grown. The destruction of this cotton, if it could not be substituted by cotton elsewhere obtainable, would thus obviously throw into unemployment the human beings aforementioned, resulting in great damage to the general economic welfare. The factors of indirect damages are of the greatest importance to the Nation as a whole. This reflects the effects upon interstate commerce in its strongest application.

Jadwin report, paragraph 36:

36. The table clearly shows that the people of the valley have borne much the greater part of the cost of flood protection, although the United States has given substantial aid. The local participation has furthered the keen interest of each locality in the proper execution of the work. It has afforded a check on pressure for the execution of works not economically justified.

Brief submitted by Governor Martineau, of Arkansas:

Surely a work that protects the very lives and property and means the existence of the people will hold their interest and aid. The body having jurisdiction surely should be competent enough to see that the work is economically done and essential.

Brief submitted by Governor Sampson, of Kentucky:

An adequate flood control of the Mississippi and its tributaries involves approximately 30 States. The plan must be worked out by Congress and other agencies of the Federal Government, and this plan when worked out no doubt will be intrusted to the War Department for execution. It will be given authority to retard, divert, and retain flood waters, and will be held strictly responsible for its successful execution. We could never have built the Panama Canal by depending upon local contributions, local suggestions, and local authority, and the War Department in executing the plan of Congress should not be governed by local authorities. However, should local contributions be made a condition precedent upon receiving aid from the Federal

Government in each and every locality, the people in each locality would expect to have their say. The plan must break down because of too much advice and because of a failure of contributions from many localities, they either being unable to contribute anything or not having the legal authority to make the contribution. We note that General Jadwin asserts that local contributions would create local interest and advance the development. We are quite sure it would have the opposite effect. It is very doubtful if all of the conflicting interests and conflicting elements could be brought in harmony with a great coordinated plan of flood control within the next 50 years, if ever. If we must wait for this plan, then we may expect to see many destructive floods before any relief is secured.

Brief submitted by Governor Simpson, of Louisiana:

The last sentence of this paragraph is: "It has afforded a check on pressure for the execution of works not economically justified." Local participation will also act as a check on works which may be economically justified regarded from a national point of view, in so far as the works intended to be placed in one locality or one State for the protection of another. Further, we contend that this policy has operated and will continue to operate as a check on the execution of works which were and are not only economically justified, but absolutely necessary.

Jadwin report, paragraph 37:

37. The division of cost has led to some divisions of control. The enlargement of levees affecting large areas has been delayed, in some cases, by the failure of a levee district to furnish its share of the cost. It is doubtful whether these disadvantages have counterbalanced the advantage of a local proprietary interest in the works.

Brief submitted by Governor Martineau, of Arkansas:

One of the major features, in our opinion, is the advisability of unit control, and that can be accomplished only by the Government.

Brief submitted by Governor Sampson, of Kentucky:

We agree with the first two sentences of this paragraph and submit that these are conclusive reasons for the rejection of the plan proposed. They are one, if not the chief, cause of the failure of the flood-protection works which have been heretofore built at such an enormous cost. The matter at present before the Congress is the protection of the lower Mississippi Valley from the flood waters which drain two-fifths of the area of the United States. The division of the huge cost of flood control among all the people, not only directly but indirectly benefited by it, would not greatly increase the per capita burden. The imposition of any additional charge upon the citizens and localities which have heretofore borne the burden, both of taxes and assessments for construction of levees and the still greater cost of crevasses in these levees recurring with each and every flood, would not only be unfair to them but would continue to delay the enlargement of levees and the building of flood ways and spillways affecting large areas, and thereby defeat a coordinated flood-control program.

Brief submitted by Governor Simpson, of Louisiana:

"The division of cost has led to some division of control," and always will, should have been added. A divided authority is no authority. If adequate flood control and protection are the objectives, and if we are to judge the future by the past, we must conclude that dependence on local contributions must inevitably result in continued ineffectiveness.

Jadwin report, paragraph 38:

38. The comprehensive plan now presented does not include the protection of areas whose reclamation is not economically justified, but contemplates that such areas be left open for temporary storage and the discharge of floods. If no local contribution is required, the law and the administration of this project must be relied on to prevent the construction of works not economically justified. If a contribution, small in comparison with the cost of work already done and to be done, will assist materially in retaining the proprietary interest and watchfulness of local authorities, it would seem to be justified.

Brief submitted by Governor Martineau, of Arkansas:

The requirements herein stipulated, we believe, would be impossible to comply with. If the people of this backwater area receive no governmental aid, upon what basis should they be required to assist a project that would inundate them and at the same time prohibit them from attempting self-protection?

In our opinion the backwater area provided for under this plan, extending from Pine Bluff on the north side of the Arkansas River, downstream, is already too large, as most of this area from Pine Bluff to a point slightly above the mouth of Bayou Meto should be protected.

Brief submitted by Governor Simpson, of Louisiana:

Provisions of law can be relied upon to prevent the construction of works deemed not justified and also would provide the means of and authority for the construction of such works as are deemed justified.

Also there will always be sufficient interest and watchfulness on the part of the local authorities with or without participation in the cost of construction. The instinct of self-preservation would be ever present.

Jadwin report, paragraph 39:

39. In view of the national aspect of the flood-control problem from the standpoint both of the cause and of the effects of the floods, and in view of the large sums spent in the past by the people of the valley for flood protection, the sacrifices they have made in meeting their allotments, the great losses suffered in the past flood, and the larger expenditures now required, it is believed that the United States should bear a larger proportion of the cost of construction than in the past, and that of the States or local interests be as small as consistent with the results desired. While the proportion must be determined in the wisdom of the President and Congress, a division by which the United States bear 80 per cent and local interests 20 per cent of the cost of levee construction and control works in general; and by which the United States bear 50 per cent and local interests 50 per cent of the cost of the special ring levees proposed at Morgan City, Melville, Simmesport, and Arkansas City, would be in general accord with the existing policy of the President and the precedents established by Congress.

Brief submitted by Governor Martineau, of Arkansas:

To the average citizen the meaning of this paragraph is that the Government would bear 80 per cent of the cost and the local communities 20 per cent; while we of the lower valley know that, with the other requirements, such as rights of way, flowage rights, maintenance, establishment of drainage conditions, and the responsibility of meeting all damage claims of draining railroads, highways, etc., when the final bill for this flood control is paid, the localities and States will have actually contributed virtually dollar for dollar with the Government, exclusive of the amount the Government contemplates expending for channel stabilization, which should be a direct charge against navigation and not flood protection, except that portion spent for revetment, which should be a direct charge. We, therefore, think the wording of this paragraph is not properly understood by the people, and that this proposed plan should have been more explicit, giving the estimated amounts in dollars and cents that the various requirements call for, and which the localities and States would have to pay in addition to the 20 per cent contribution item.

Brief submitted by Governor Sampson, of Kentucky:

This appears to us as distinctly incomplete. It should be clearly stated that in addition to the 20 per cent of cost which would be levied on local communities, already burdened with outstanding debts of approximately \$75,000,000 in the form of bond issues, and which are generally maturing within the next 15 years, under the Jadwin plan, they will be required to provide rights of way for levee structures, spillways, and flood ways, the guaranty of Government immunity from all damages, and the maintenance of all flood-control works after their completion, the reconstruction of their drainage systems, the rebuilding of highways, and frequently the relocation of their homes and farm buildings at a cost of at least an additional 30 per cent. In other words, it means at least a 50-50 proposition. It is apparent from the evidence before the committee, and a matter of common knowledge to those acquainted with economic conditions in the Mississippi Valley, that these localities are unable to assume such a burden; and if we are to wait until all of the localities can bear what really amounts to a dollar-for-dollar assessment on the cost, there will be no adequate flood control of the Mississippi and its tributaries.

Jadwin report, paragraph 41:

41. On the basis suggested the total construction costs would be divided as follows:

By the United States:	
80 per cent of general levee and control works.....	\$147,360,000
50 per cent of special protection works.....	600,000
100 per cent of works for channel stabilization and mapping navigation.....	111,000,000
Total.....	258,960,000

By local interests:	
20 per cent of general levee and control works.....	36,840,000
50 per cent of special protection works.....	600,000
Total.....	37,440,000

The local interests are also expected, under the project, to furnish rights of way and protect the United States against charges for flowage easements and damages.

Brief submitted by Governor Martineau, of Arkansas:

In our opinion this statement should reflect, in addition, the various cost items of the following requirements:

By local interests:	
20 per cent of general levee and control works.....	\$36,840,000
50 per cent of special protection works.....	600,000
Total.....	37,440,000

Cypress Creek and Boeuf River spillway:¹

Flowage rights, easements, closing, etc.....	36,000,000
Railway damages, trestles, embankments, etc.....	7,800,000
Highway damages.....	3,900,000
Drainage damages and reestablishments.....	4,600,000
Atchafalaya spillway, flowage rights, damages, etc. ¹	48,000,000
Bonnet Carre spillway, flowage rights, damages, etc. ¹	11,500,000

Cape Girardeau setback:

Flowage rights for approximately 200,000 acres, at \$30.....	\$6,000,000
Maintenance of all flood works after completion.....	(²)
Maintenance of levees at head of flood ways.....	(²)
Unforeseen and incidental expenditures.....	(²)

Grand total..... 155,240,000

The grand total does not reflect the maintenance of all completed flood works, nor the levee at the head of flood ways and unforeseen and incidental expenses.

If you would deduct from the item of \$111,000,000 the contemplated expenditures for channel stabilization (not including revetment work) and the local communities take credit for all of the expenditures made necessary by the various requirements above cited, it will mean that when the flood-control project is completed and paid for as under the Jadwin plan the local communities will have spent virtually dollar for dollar with the Government upon this completed project.

Jadwin report, paragraph 42:

42. While \$37,440,000 is small in comparison with the amount to be spent by the United States and with the amounts already spent by the people of the valley, it must be remembered that these people still owe considerable sums on their bonds on which the money spent was raised. Some of the levee districts are also near the limit of their bonding power under present State law and also near the limit of their credit. However, it is not equally clear that this expenditure, spread over a 10-year period among four or more States would constitute an unreasonable burden on the States themselves, in view of the increased taxable values which will result from the improvement.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin leaves the impression that \$37,440,000 is the amount that will have to be expended by the localities and States. This reflects by no means the expenditures that will have to be made to meet the requirements. In addition thereto, the localities and States already have an approximate outstanding debt of \$75,000,000 in the form of bond issues, sold to purchasers all over the United States, the proceeds of which were spent for flood protection, and which mature over an approximate period of the next 15 years, with interest. There are also other outstanding bonds issued for general improvement, which the localities and States in their depleted financial condition hardly know how to anticipate.

We beg to again differ with General Jadwin, knowing that the combined expense will be an unreasonable and impossible burden.

Brief submitted by Governor Sampson, of Kentucky:

In paragraph 42 General Jadwin implies an increased taxable value from the improvement. In the light of past experience, where this illusion has constantly been held before the localities of the valley and where it has been destroyed following each successive flood, it is increasingly difficult for them to assume an additional burden with the vain hope that they are going to be able to pay additional taxes superimposed upon those they have already found themselves unable to bear.

Brief submitted by Governor Simpson, of Louisiana:

The sentences of this paragraph truly reflected the financial condition of the levee districts prior to the great flood of 1927. Conditions were sufficiently bad then as a result of cumulative effort and cumulative expense in the form of continued high taxation; these districts and the citizens living and working there have been bled white in paying items of cost which should always have been borne by the National Government. If conditions prior to the flood of 1927 were deplorable even then, they are indeed tragic now. This subject can not be treated statistically, for the reasons that the only dependable figures available are those which were prepared previous to the 1927 flood. Since the flood, conditions from a financial point of view are so chaotic as to make it nearly impossible to reduce the damage, and results from the damage, to any semblance of a financial statement. As stated elsewhere, it may not be difficult to pick out one piece of property that has been destroyed and then calculate the direct damage limited to the value of the item destroyed. The disruption of normal effort, however small that effort may appear, is more far-reaching than any statistical attempts can gather. Employment has been disrupted, the normal conduct of business has been dislocated; but who can estimate the values destroyed through the loss of confidence and the necessary sense of security so essential to the restoration of normal pursuits? If before the flood they had reached or nearly reached the limits of their bonding power and the limit of their credit, what must the real state of affairs be now if we could but accurately determine them?

Further: Let us revert to the meaning of the phrase "bonding power." The inference here is that the States or districts have the legal power to issue more bonds. But this right does not force people to buy them. From a financial point of view (and we are talking about the financing of the plan) we are not only interested in the legal right of a State to issue more bonds, but in the conditions which govern their marketability. Bonds are sold only to conservative investors, and conservative investors require assurance of security.

The reasoning in the Jadwin report seems to follow these processes:

1. That levee construction, etc., will enhance value. (This has been shown to be speculative.)
2. That by virtue of this preconceived notion time will develop an increased margin of equity.
3. That by virtue of this conceived possible future increased equity additional bonds could be sold.
4. Through this process of reasoning the security of bonds is being based on values yet to be.
5. Bonds would be issued in the present to be secured by something which might or might not take place in the future.

Further: It is generally known that bond financing is founded upon the following:

1. On the basis of value existing now.
2. The actual issuance of bonds is made to rest upon only a fraction of existing value, as there must be a margin of equity.
3. Buyers of bonds depend for their profit upon interest.
4. Buyers of bonds do not buy bonds to be secured on values to be attained at some time in the future.

So much for these elementary financial factors. There is no necessary connection, therefore, between the right of a State or district to issue bonds and the established marketability of those bonds. How, then, may money be raised at present from impoverished districts if they are without the ability to sell their bonds and with their business life so disrupted as to make any additional direct taxation wholly unthinkable?

Further: Here again reference is made to values: "Increased taxable values which will result from the improvement." Exception is taken to this statement, for we deny that increased taxable values will result from the improvement. It may or may not be the case that taxable values may increase, but we deny the implication of the word "result." We detail a series of considerations which immediately arise:

1. As shown under a previous paragraph, values are conjectural.
2. That values are influenced by the action of many factors.
3. That there is no certainty of the increase of taxable values.
4. That even if taxable values will ultimately increase, nobody now knows when or to what extent.
5. That even if taxable values will increase, this may or may not take place even without the improvements mentioned.
6. That there is no established relation of cause and effect as expressed in the statement.
7. That the taxable values may not increase.
8. That the taxable values may decline.
9. That the payments exacted then would force an immediate collapse of any weak link in the chain.
10. A collapse of any weak link in the chain would disrupt unification.

It is our hope that, relieved of the unjust and well-nigh intolerable burden under which we have struggled for generations, and encouraged by the sense of security which absolute protection from destructive floods will engender, agriculture, industry, and commerce will ultimately develop, and the alluvial valley grow into a vast internal market, with greatly increased purchasing power. A beneficent circle will then be commenced, wherein the funds, usefully employed in conquering floods, will prove, not an expense, but a necessary, constructive, and valuable investment destined to yield to the entire Nation a return dwarfing even that derived from the original purchase of the great Territory of Louisiana.

Jadwin report, paragraph 147:

SUMMARY OF PROJECTS

147. I recommend the adoption and authorization of a comprehensive project for the flood control of the Mississippi River in its alluvial valley and its improvement from the Head of the Passes to the Ohio River as set forth in this document, to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers; the project to include the flood ways, spillways, levees, channel stabilization, mapping, etc., hereinbefore recommended, with such modifications thereof as in the discretion of the Secretary of War and Chief of Engineers may be advisable, and the maintenance of a navigation channel from Cairo to New Orleans not less than 300 feet in width and 9 feet in depth, all at an estimated initial cost of \$296,400,000, with \$6,000,000 annually for maintenance after completion of project, with such distribution of costs as may be specified by law after considering the statements on economic necessity and local cooperation in paragraphs 25 to 42, inclusive. Its adoption should be made subject to the provision that, except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no funds appropriated by

Congress for the execution of the project shall be expended on works within a State until that State by appropriate legislation—

(a) Has undertaken to provide without cost to the United States and when required the rights of way for all levee structures and such drainage works as may be made necessary by new levee construction.

(b) Has consented to the maintenance of the levee at the head of flood ways within the State at the grades and cross sections necessary in the opinion of the Chief of Engineers for the security of the levee system and the lands protected thereby.

(c) Has agreed to hold and save the United States free from all damage claims resulting from the construction of the project; and to maintain all flood-control works after their completion, except controlling and regulating spillway structures.

Brief submitted by Governor Martineau, of Arkansas:

The various phases of this paragraph have been discussed heretofore, with the exception that we hardly see how the proper allocations of costs between the States can be reached and thereafter enacted into State laws.

Section (a). The feature of providing spillway and flowage right of way has been, in our opinion, one of the major objections to the plan as a whole.

Section (b). We believe all maintenance, as well as construction costs, should be governmentally borne.

Section (c). This section of paragraph 147 presents another major objection—the damage-immunity clause, coupled with the spillway rights of way.

The maintenance feature is a heavy and continuous burden that is not well defined, as it is not known whether the spillways will be kept cleared of underbrush or not and pay for all the other features of perpetual maintenance of rights of way of spillway and levees.

Jadwin report, paragraph 149:

149. I further recommend that legislation be enacted:

(a) Prohibiting any obstruction not affirmatively authorized by Congress to the flood discharge capacity of the alluvial valley of the Mississippi River below Cape Girardeau and providing that it shall not be lawful to build or commence the building of any levee or other structure in said alluvial valley, or in any flood way provided therein unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War.

(b) Providing that the penalties and procedure applicable to violations of the laws for the protection and preservation of the navigable waters of the United States, enacted in sections 12 and 17 of the river and harbor act of March 3, 1899, shall apply to violations of the above provision of law.

(c) Providing that existing laws relating to the acquisition of lands, easements on rights of way needed for a work of river and harbor improvements shall be applicable to the acquisition of lands, easements, or rights of way for flood-control works.

(d) Amending sections 3 and 4 of the act of June 28, 1879, constituting the Mississippi River Commission; to provide that it shall be the duty of said commission to advise on all questions relating to the improvement of navigation on the Mississippi River and the prevention of destructive floods which may be referred to the commission by the president of the commission or higher authority, and to provide that the president of the Mississippi River Commission shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, and shall receive the rank, pay, and allowances of a brigadier general of engineers while actually assigned to such duty by competent orders.

Brief submitted by Governor Martineau, of Arkansas:

Section (a) of paragraph 149: Why should the citizens of a community that receive no flood protection be prohibited from protecting themselves?

Section (b) To not apply where no protection or flowage rights have been acquired.

Section (c) We concur.

Section (d) No comment.

In the brief submitted by Governor Sampson, of Kentucky, regarding the Jadwin report paragraphs 29, 33, 39, 42, 47, 60, 140, 142, 147, and 148 of the Jadwin report were commented upon in the following manner:

From the report of Maj. Gen. Edgar Jadwin, Chief of Engineers, containing the plan of the Army engineers for flood control of the Mississippi River in its alluvial valley, we have selected the following excerpts, the salient and practicable portions of which we consider of paramount importance in general support of the practically unanimous opinion of the people of Kentucky that there should be developed by the Congress a policy of complete Federal control of the flood waters of the Mississippi River and its tributaries.

SUMMARY OF COMMENTS ON JADWIN REPORT

Brief submitted by Governor Martineau, of Arkansas:

Briefly analyzing the Jadwin plan:

There are two major features to consider—namely, the engineering feature and the economic feature.

The engineering features, with the following adjustments, we believe sound and practicable in the main.

First. Substitution of controlled spillways for uncontrolled spillways.

Second. Hastening of tributary survey and the ultimate governmental assumption of same.

The economic features we believe impossible and impracticable, our position being that flood control of the Mississippi River and its tributaries is a national responsibility in its entirety and should be remedied, maintained, and controlled permanently by the Government.

Brief submitted by Governor Sampson, of Kentucky:

Having disagreed with the fundamental economic principles underlying General Jadwin's program, it is hardly necessary for us to comment on his summary. We respectfully submit that the Commonwealth of Kentucky believes that the economic suggestions in the Jadwin report are impossible and impractical, and we feel that the flood control of the Mississippi River and its tributaries is a national responsibility and that it should be established, controlled, and maintained permanently by the United States of America.

Brief submitted by Governor Simpson, of Louisiana:

We summarize as follows:

1. The Mississippi River and its numerous tributaries traverse interstate areas.
2. These rivers are unconscious of State boundary lines.
3. The combination of these rivers constitutes the national-drainage system.
4. The problem of their regulation and control is national.
5. The National Government is able to function without the cooperation of any agency outside of the Federal control.
6. Regardless of legal considerations, legal rights, constitutional duties, or responsibilities, the administration of any plan is doomed to failure that does not provide for a unified control and a centralized authority.
7. Any financial plan is organically bad that hinges upon fractional contributions depending on volition or future possible inability of a small minority.
8. Generally accepted business principles have not been applied in the organization plan for administering the works.
9. The economic statements made as to questions of value are not axiomatic but are merely speculative.
10. The river must be prevented at any cost from destroying the homes and lives of American citizens. The American home is more than mere property.
11. It is not the history of the National Government to be restrained in the accomplishment of worthy objects by the fear of conferring benefits upon its people, but it is the duty and the responsibility of our Government to guard against grave public dangers to its citizens.
12. Even if the proposed division of costs as between the Federal Government and the States, sections, or districts affected were assumed to be practicable, there would still remain the unsolvable problem of allocating the subdivisional costs equitably and fairly among the sections affected.
13. The engineering plan provides works in one State to be partly paid for by another; in one levee district for the protection of another; and in one county or parish for the protection of another.
14. Sound engineering plans should not be violated in order to conform to theoretical or legal boundary lines.
15. It is natural and logical and unavoidable for engineers to conceive flood-control plans based on what they know to be sound engineering principles. They are dealing with a problem that disregards State and other lines. Their plans in turn must deal with the problem as they find it. They must disregard all map boundary lines. They can not help doing so, since the river is national and the problem is national. They recognize this and so do we.

POSTAL RATES

Mr. BECK of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the pending postal bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BECK of Wisconsin. Mr. Speaker, I desire to direct the attention of the House this morning to the provisions of H. R. 12030, a bill to revise postal rates, now pending in the House. There are some gross inequalities, some glaring discriminations, and some distinctly unfair and unwise provisions contained in that measure, and it is for the purpose of having the Members of this body give some advance thought to this legislation before being called upon to pass upon the measure with their votes that I am calling it to your attention at this time.

This measure is intended to revise existing postal rates, to correct evils in the schedule of postal rates now in effect. It is conceded by everyone that present postal rates are prohibitive and inequitable and that they have brought harm to both the

mail-using public and to the revenues of the Government; and it is because of the demands of the mail-using public for relief that this legislation is now introduced. Therefore, unless the provisions of H. R. 12030 suggest an improvement over present conditions the legislation does not answer the purpose for which it was intended.

I have carefully studied recent testimony by representatives of the Post Office Department to see if I could ascertain any definite and fixed plan of the department for the handling of this situation and I must admit that the testimony reveals nothing of the sort.

We are at present faced with a grossly inequitable state of affairs in the Post Office Department. A glance at the figures from the department shows that on first-class matter the Government is making an annual profit of almost \$90,000,000, while on second-class matter the Government is suffering a loss of almost \$90,000,000 yearly. The mails were created as a service to all of the people of the country, to aid and assist in the prosperity of the Nation; yet, on first-class matter, which touches all of the people of the country, we find the Government exacting a profit of nearly \$90,000,000 annually, while on second-class matter, a special service rendered to large newspapers and magazines, we find the Government paying a subsidy through a deficit of approximately \$90,000,000. Third and fourth class mail matter are just about paying their way, there being but approximately \$4,000,000 loss on third-class matter and a slight loss on parcels post, or fourth-class matter.

Now, what program does the Post Office Department bring to us for the solution of this situation? It seems simple, and one would surmise that the department suggests a reduction in the first-class rate on the theory that the mails were never intended to make a profit and that the department would suggest an increase in the rate of each class now sustaining a loss; but is that the recommendation of the Post Office Department? It is not.

On first-class mail we find no suggestion that there be any reduction on that portion of the matter which has provided the large profit. The department does suggest that the rate on private mailing cards be reduced from 2 cents to 1 cent, but this was done because in increasing the rate to 2 cents in 1925 the revenues from that matter dropped from \$10,000,000 to approximately \$2,000,000, and this rate is reduced now in order to get back the volume and with it the revenue which the department lost by making the private-mailing card rate prohibitory.

It is worthy of note that in increasing the rate on private mailing cards to 2 cents the department then estimated that the revenues would increase from \$10,000,000 to \$20,000,000, whereas, in fact, they decreased from \$10,000,000 to \$2,000,000.

Mr. Speaker, I am not condemning the present suggestion of reducing this rate from 2 cents to 1 cent. I approve of it. I agree that the way to increase revenue is to reduce the rate, thereby increasing the volume, and I am glad to accept that suggestion as it applies to first-class matter; but if it is a good rule on this class of mail matter, it ought to be a good rule on other classes, concerning which I shall speak later.

One would assume that with a deficit of approximately \$90,000,000 on second-class mail matter the Post Office Department would suggest some method of stopping that loss and of obtaining sufficient revenue from this class of mail matter to defray the cost of its transportation. Does it do this? It does not. But, on the contrary, the department extends very apparent sympathy to the suggestion that the rate on this class of matter be further reduced and the deficit actually increased.

It can not be contended here that the reduction in the rate will increase the volume as on private mailing cards, for the volume on newspapers and magazines is not fixed by the rate of postage as on third and fourth class matter, but is regulated entirely by subscriptions to the publications, so that reducing the rate on this class of matter can mean but one thing and that is a further loss of revenue to the Government and an additional subsidy to newspapers and magazines carried in second-class mail. What logical reason can be found for the course of conduct pursued by the department in reference to second-class mail matter as compared with its conduct toward other classes of mail matter? The only conclusion I can reach is that there seems to be something in the common rumor that this is a newspaper administration and that this reduction of the rate on this class of mail matter is nothing more nor less than a bold attempt to curry favor in the coming campaign. Not only is it a bold attempt to curry favor, but it does so at the expense of the common people of this country; and bear in mind, Mr. Speaker, that this subsidy does not help little newspapers; it means practically nothing to them; it is a direct benefit to the great metropolitan dailies and magazines, both of which, as a matter of fact, are earning

enormous profits and really do not require any further governmental charity to be extended to them.

Now, as to third-class matter, we find that under the provisions of this bill a small merchant sending out less than 200 pieces in one mailing, or less than 20 pounds at one time, will get no reduction from the present exorbitant and prohibitive rate. Does the Post Office Department explain why it discriminates in favor of the large mailer who mails more than 200 pieces at a time, or whose mailings weigh more than 20 pounds, against the little fellow who probably runs a grocery in a village or a general store at a crossroads? It does not.

Again, on third-class matter we find, as on private mailing cards, that when the present rates were adopted in 1925 the department made a bad guess. The department prophesied that from a 50 per cent increase, or increasing the rate from 1 cent to 1½ cents for 2 ounces, the Government would get greatly added revenue; but in actual operation in the first year the Government lost in this class of matter alone, directly because of the increased rate, about 900,000,000 pieces of mail matter. If it is wise to reduce the rate on private mailing cards to recover that volume and revenue, would it not be wise to reduce the rate on third-class matter for the same purpose? Does the department apply the same rule to private mailing cards and third-class matter? It does not. If the theory of low rate great volume is good in one place, why is it not good in another, and more so in view of the fact that Mr. Stewart, the Postmaster General's assistant, in testifying before the committee, admitted that third-class mail is a benefit to the department in that it is business-producing literature which creates the volume in first and fourth class matter. I venture the suggestion that a thorough analysis of the United States mails would produce ample proof of the fact that the Government could well afford to carry third-class matter at ½ cent for 2 ounces because of the benefits the department receives in added volume to other classes of mail matter.

Another most interesting point in this regard was brought out by a witness who testified before the committee to the effect that the Canadian rate on this type of matter is lower than ours. I have made some investigation, Mr. Speaker, and I find that a business man in Canada can mail third-class matter from Canada to a Member of this House at his office in Washington for less money than it would cost a merchant here in Washington to send the same communication to the same Member at the same address. I defy any Member of this House to point to a single piece of legislation in the history of these United States in which any Government department was ever so bold as to recommend that the people of this country be charged more for using their own service than would be charged foreigners for using the same service, but that is the fact in this bill, astounding as it may seem, and it is now possible, and will continue to be, if this bill is adopted as it stands, for Canadians, British, Mexicans, and innumerable other countries to sell their wares to Americans at a mail-selling cost of two-thirds the price charged Americans for using their own mail service in making their sales. This is a most astounding and unpatriotic suggestion, and I am amazed that the Post Office Department, where thorough familiarity with foreign rates should exist, would be guilty of such a suggestion.

It would appear from the record that it is possible for other nations with much smaller volume, much less machinery, much less transportation facilities, to carry their mail matter on a basis sufficiently economical to produce a rate lower than our own. If Canada can produce a rate of 1 cent for 2 ounces on third-class matter I think the suggestion by our Post Office Department that we require a rate of 1½ cents for 2 ounces needs investigation, for such gross inefficiency must be productive of greater evils than merely inequality of postal rates.

I have sought for an explanation of the conduct of the Post Office Department in suggesting this prohibitive and discriminatory rate for third-class matter and I find on page 41 of the testimony recently taken by the committee a statement by Mr. Stewart to the effect that a good many people who are now denied the privilege of using third-class mail because of the prohibitive rates are using in its place newspaper advertising, and then follows this illuminating discussion:

Mr. RAMSEYER. The second-class mailers are urging us to increase the rate on third class.

Mr. STEWART. I think they are very well satisfied with the amount of business they are getting from third class now.

It would appear, therefore, that the large metropolitan dailies not only get away with a subsidy from the Post Office Department of approximately \$90,000,000 a year, but that they attempt at least to dictate the rates that shall be applied to other classes of mail matter in an endeavor to cover up their

own deficit. With facts like these staring us in the face, Mr. Speaker, is it any wonder that this administration is known as a newspaper administration? And knowing these facts are we to wonder at the false and misleading propaganda now being carried by the press.

Now, as to fourth class or parcel post, this department of the mail service, Mr. Speaker, was created for the specific benefit of those who live in remote sections and who at the time of the creation of this service had no adequate delivery service available.

The history of the Parcel Post System is a continuous story of increasing volume and decreasing rates. It has lived through several salary increases without the necessity for any increase in the rates for the simple reason that its constantly growing volume has produced the revenue to take care of salary increases.

When salaries were increased in 1925 parcel post was within \$6,000,000 of being self-supporting, and at that time the Postmaster General testified that if it continued to operate on the same basis it would be self-supporting in approximately one year.

At the time of the increase in rates second class had a deficit of about \$73,000,000, as compared with \$6,000,000 on parcel post. Practically no increase was put upon second-class mail matter, but parcel post was burdened with a 2-cent service charge, which it was estimated would make parcel post produce something like \$18,000,000 additional.

As I stated before, the Parcel Post System was originally created and has since been operated for the benefit of the farmer and those living in the rural sections of the country, and yet, notwithstanding its practically self-supporting condition, the Post Office Department placed this additional burden upon the farmers of the country for the benefit of metropolitan daily newspapers and magazines; and from the testimony on page 236 it would appear that in the year 1926, by reason of this prohibitive service charge, parcel-post business for the first time in the life of the service practically stood still, while the receipts of the express companies advanced more than \$7,000,000. Again, we find that the rule adopted on private mailing cards of reducing the price to increase the volume and thereby increase the revenue is not used when we come to parcel post—and why?

I have searched diligently, Mr. Speaker, for the answer to that question, and I find it on page 401 of the testimony.

At that point in the testimony there is a discussion concerning the suggestion of the farm bureaus that a director of parcel post be appointed to increase the volume of that class of mail matter, thereby increasing the revenue and making possible further reductions in rates, and in this connection Mr. Stewart, representing the Post Office Department, makes the astounding statement that where private interests—meaning, of course, the express companies—are engaged in business he does not believe it is the duty of the Post Office Department to go out and compete with them and take it away from them; and that, Mr. Speaker, is another policy of the Post Office Department which fully explains the statement of Congressman BUCKBEE, appearing on page 403 of the record, which reads:

Mr. BUCKBEE. I do not think, Mr. Stewart, that you have been sympathetic enough with the rural class.

I agree with the distinguished Congressman from Illinois, Mr. Speaker, it would appear from a careful analysis of H. R. 12030 and the testimony taken before the committee giving it consideration that on first-class mail matter the Post Office Department operates for the purpose of exacting a profit through that branch of the Postal Service, which reaches all the people; that on second class the Post Office Department operates exclusively for the benefit of the metropolitan daily newspapers and large magazines and delivers over to them as a subsidy the profit it takes from ordinary people on its first-class mail.

Third-class matter seems to be a foreign arm of the Post Office Department. That department is operated for the benefit of foreign nations, and on fourth-class matter, by the admission of the assistant to the Postmaster General, they operate for the exclusive benefit of the express companies. Now, in view of the tremendous injustice being done the mail-using public through present postal rates and their threatened continuance through this legislation, giving consideration to the needs of the farmer and present business conditions throughout the Nation, I contend, Mr. Speaker, that this matter needs to be given considerable thought; that we can not rely on the recommendations of the Post Office Department in fixing rates in that department, and that if the service is to be operated for the benefit of the people of this country without favoring any class we must seek

a more sane, equitable, and sensible solution than is suggested in H. R. 12030.

LEAVE TO ADDRESS THE HOUSE

Mr. LOWREY. Mr. Speaker, I ask unanimous consent that after the gentleman from Tennessee [Mr. McREYNOLDS] has concluded his speech to-morrow I may address the House for 15 minutes on historical matters in regard to Arlington and the restoration of the Lee Mansion.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that to-morrow at the conclusion of the remarks of the gentleman from North Carolina and the gentleman from Tennessee he may address the House for 15 minutes. Is there objection?

Mr. TILSON. Reserving the right to object, I think it should be understood that both the gentleman from Tennessee and the gentleman from Mississippi will speak after some exercises we hope to have in connection with one of our honored Members.

The SPEAKER. The Chair understands that these remarks are to come after the special orders.

Mr. TILSON. Very well, if that is so understood.

The SPEAKER. Is there objection?

There was no objection.

OUR MERCHANT MARINE

Mr. REECE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include some press editorials in reference to the speech I made on the merchant marine, and also a reference to some other matters.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the Washington Post, and an article from the Journal of Commerce, of New York, relative to a speech delivered by myself upon the necessity for national defense of an adequate merchant marine:

[From the Washington Post, Saturday, March 24, 1928]

AMERICAN SHIPS

The House of Representatives on Thursday heard from the lips of a Member from a district in the interior—Representative REECE, of Tennessee—a stirring appeal for an adequate merchant marine as an auxiliary of the Navy. The national-defense feature of the merchant-marine problem has been overlooked by too many legislators. It happens that Mr. REECE was in the American Expeditionary Forces, and that his own observations and experiences drove home to him the vital fact that the United States is not safely protected if it does not possess merchant ships capable of serving as naval auxiliaries in time of war.

Mr. REECE pointed out that during the War of the Revolution armed merchantmen captured or destroyed three times as many enemy ships as did all the American warships combined. In the War of 1812 American merchantmen again gave a good account of themselves, inflicting six times as much damage upon the enemy as did the United States Navy. But for merchant ships the North could not have successfully blockaded southern ports in the Civil War, and during the war with Spain the few American merchant vessels available were as valuable as warships. One of them, the *St. Paul*, defeated a Spanish cruiser and a Spanish destroyer in a hot battle off San Juan, P. R.

The lack of merchant vessels during the late war was a serious handicap to the United States, besides necessitating enormous expenditures. The cost of unpreparedness in this field is estimated by Representative REECE at \$8,000,000,000, of which \$3,000,000,000 represents the cost of the war emergency fleet and \$5,000,000,000 paid out in ocean-freight charges. Mr. REECE quoted the assertion of Admiral Gleaves, commander of convoy operations during the World War:

"The outstanding lesson which the experience of the war has driven home to us is the value both in peace and in war of a prosperous deep-sea merchant marine."

Every important merchant vessel under the American flag should be constructed with a view to its conversion into a naval auxiliary or transport in case of need. Its structural plans should be approved by the Navy Department, and a supply of 6-inch guns should be kept on hand with which to arm these craft. The personnel should be enrolled in the Naval Reserve, and should receive training under naval instructors. By encouraging and assisting in the creation of such a fleet the United States would not only save hundreds of millions in case of war, but it would save to the people hundreds of millions annually that are now paid out to foreign shipowners for the carriage of American commerce.

Mr. REECE emphasized the fact that while his constituents live in eastern Tennessee, remote from the coast, they are interested in national defense and in the promotion of ocean commerce. His testimony is supported by that of Fred Breckman, representing the National Grange,

who told the House Committee on the Merchant Marine that the question of developing the American merchant marine and the establishment and maintenance of trade routes was the most important matter of legislation now before Congress from the farmer's standpoint. The producers of the interior are more alive to the necessity of merchant shipping than ever before. They approve of the plans now under advisement in Congress for the encouragement of shipping.

Prosperity in peace and defense in war are the great benefits that will flow from the creation of a merchant marine. This task of building up American ocean shipping is now before Congress. By the exercise of constructive statesmanship this session of Congress can make itself memorable by solving the problem of the merchant marine.

[From the Journal of Commerce, New York, Friday, March 23, 1928]

ADEQUATE MERCHANT MARINE HELD VITAL—REECE, OF TENNESSEE, MOVES HOUSE IN MAKING SPEECH ON NAVAL SUPPLY BILL

WASHINGTON, March 22.—The American merchant marine, in all its war-time glory, was pictured on the floor of the House to-day in a stirring appeal for maintenance of a merchant fleet under the American flag.

Representative B. CARROLL REECE, Republican, of Tennessee, who possesses an enviable war record, during the course of the debate on the naval supply bill, reminded his colleagues "that as the Great War slowly recedes into the vista of the past we are in danger of losing our former sense of values in regard to American shipping."

HOUSE MOVED BY APPEAL

The membership of the House, which before another week is out, probably will be considering a shipping bill now being drafted by its Committee on the Merchant Marine and Fisheries, was visibly affected by the Tennessee warrior's appeal.

He gave a graphic picture of the part taken by the American merchant marine during the war emergency. He recalled how 2,300 ships were constructed for the purpose of transporting American troops to the battle fields of Europe. He emphasized that, due to war-time inflation, "this construction program cost us \$3,000,000,000, a sum estimated to be four times as large as it would have been before the war."

"To this sum," he went on, "must be added another \$5,000,000,000 paid out by the American people in ocean-freight charges as a penalty for not having an adequate merchant marine upon the outbreak of hostilities in 1914."

Declaring the people of his State have followed with interest and solicitude the varying fortunes of the American merchant marine, the Tennesseean said: "They know that without ample transoceanic service under the American flag they can not hope to secure the most advantageous freight rates when their surplus products are moved overseas to the great foreign markets."

POINTS OUT FOREIGN ACTIVITY

Stopping to explain that the citizenry of his congressional district are engaged for the most part in agricultural pursuits, Representative REECE declared, "They have watched with admiration the ingenious efforts of the Shipping Board to establish an adequate merchant service with inadequate ships, most of them built during the war for war-time use, and therefore, not the best suited for competitive commercial service to-day."

He asserted, "They have noted with growing concern the feverish shipbuilding activities of the other great maritime nations, and the launching in foreign shipyards of whole fleets of fast modern motor ships, destined, in the absence of construction legislation by the Congress of the United States, to drive our older war-built merchantmen from the seas."

Concluding, he said that, "Other American citizens on the farm lands of the interior patiently wait to see whether their chosen Representatives in Congress have at last fully come to realize 'the value both in peace and in war of a prosperous deep-sea merchant marine.'"

He referred to the words of Admiral Gleaves, United States Navy, commander of convoy operations during the war, in his "History of the Transport Service."

BRIDGE BILLS—CONFERENCE REPORTS

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I present conference reports upon the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge;

Also on the bill H. R. 9137, for the construction of a bridge across the Cumberland River, the Lebanon Road Bridge;

Also on H. R. 9147, for a bridge across the Tennessee River, the Jasper Road Bridge;

Also on H. R. 9197, for a bridge across the Tennessee River, the Knoxville Road Bridge;

Also on H. R. 9198, for a bridge across the Tennessee River, the Paris-Dover Road Bridge;

Also on H. R. 9199, for a bridge across the Cumberland River, the Dover-Clarksville Road Bridge, for printing under the rules.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 367. An act to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; and
H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Friday, March 30, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 30, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON PATENTS

(10 a. m.)

To protect trade-marks used in commerce, to authorize the registration of such trade-marks and for other purposes (H. R. 11988).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To establish uniform requirements affecting Government contracts (H. R. 5767).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills on the committee calendar.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (H. R. 10710).

EXECUTIVE COMMUNICATIONS, ETC.

421. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to legislative establishment, United States Botanic Garden, for the fiscal year 1928 and 1929, in the sum of \$10,000 (H. Doc. No. 208), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REID of Illinois: Committee on Flood Control. H. R. 8219. A bill to prevent destructive floods which cause the loss of life and property, interrupt interstate commerce, or delay the United States mails; and to prevent the recurrence of a flood such as that of the Mississippi River in 1927, which resulted in the loss of more than 246 lives, drowned out hundreds of cities, towns, and villages, drove 700,000 people from their homes, rendering them objects of charity dependent upon the Red Cross and other agencies, inundated 18,000 square miles, destroyed 1,500,000 farm animals, caused losses amounting to many hundreds of millions of dollars, suspended interstate freight and passenger traffic, prevented telegraph and telephone communication, delayed the United States mails, and paralyzed industry and commerce; with amendment (Rept. No. 1072). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOWMAN: Committee on the District of Columbia. H. R. 16. A bill to regulate the practice of osteopathy in the District of Columbia; without amendment (Rept. No. 1073). Referred to the Committee of the Whole House on the state of the Union.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 350. A bill to extend the time for completing the construction of a bridge across the Delaware River; with amendment (Rept. No. 1074). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 11338. A bill granting the consent of Congress

to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge over the Missouri River at Randolph, Mo.; with amendment (Rept. No. 1075). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 11692. A bill authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, county of Duval, State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.; with amendment (Rept. No. 1076). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 11797. A bill granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry; with amendment (Rept. No. 1077). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 11887. A bill authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.; with amendment (Rept. No. 1078). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 11992. A bill granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.; with amendment (Rept. No. 1079). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 2449. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana; with amendment (Rept. No. 1080). Referred to the House Calendar.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 12442. A bill to provide for the transfer to the Department of Labor of certain forfeited vehicles; without amendment (Rept. No. 1081). Referred to the House Calendar.

Mr. ROY G. FITZGERALD: Committee on World War Veterans' Legislation. S. 777. An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War; without amendment (Rept. No. 1082). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING: Committee on Banking and Currency. H. R. 12245. A bill to amend the War Finance Corporation act, approved April 5, 1918, as amended; without amendment (Rept. No. 1084). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 12383. A bill to amend section 11 of an act approved February 28, 1925 (43 Stat., p. 1063, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; with amendment (Rept. No. 1085). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 3224. A bill for the relief of Ichabod J. Woodard; with amendment (Rept. No. 1083). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 8484. A bill for the relief of Henry Manske, jr.; without amendment (Rept. No. 1092). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OLDFIELD: A bill (H. R. 12519) for flood control on the Little Red River; to the Committee on Flood Control.

By Mr. FRENCH: A bill (H. R. 12520) for the relief of the Nez Perce Tribe of Indians; to the Committee on Indian Affairs.

By Mr. WILLIAMSON: A bill (H. R. 12521) creating the Mount Rushmore National Memorial Commission and defining its purpose and powers; to the Committee on the Library.

By Mr. HUDSPETH: A bill (H. R. 12522) for the erection of a public post-office building at Big Spring, Howard County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12523) for the erection of a public post-office building at Colorado, Mitchell County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12524) for the erection of a public post-office building at Kerrville, Kerr County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12525) for the erection of a public post-office building at Marfa, Presidio County, Tex., and appropriating money therefor; to the Committee on the Public Lands.

By Mr. LAGUARDIA: A bill (H. R. 12526) to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67 amended); to the Committee on the Judiciary.

By Mr. MOORE of Virginia: A bill (H. R. 12527) to amend the act approved February 28, 1920, designated therein as the "interstate commerce act"; to the Committee on Interstate and Foreign Commerce.

By Mr. SELVIG: A bill (H. R. 12528) to authorize the acquisition of a site and the erection of a Federal building at Breckenridge, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 12529) to authorize the Secretary of the Navy to proceed with the construction of a marine flying-field and water-front development at San Diego, Calif.; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12530) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board; to the Committee on the District of Columbia.

Also, a bill (H. R. 12531) to exempt employees of the public-school system of the District of Columbia from the \$2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended; to the Committee on the District of Columbia.

By Mr. FRENCH: A bill (H. R. 12532) to provide for the payment of a discharge gratuity to enlisted men of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. MONTAGUE: A bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WAINWRIGHT: A bill (H. R. 12534) relative to the fees of clerks of court in naturalization proceedings; to the Committee on Immigration and Naturalization.

By Mr. ROY G. FITZGERALD: Resolution (H. Res. 152) providing for the consideration of S. 777 for the retirement of disabled emergency Army officers of the World War; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ACKERMAN: Memorial of the Legislature of the State of New Jersey, requesting Congress of the United States to authorize the Postmaster General to issue a special series of postage stamps commemorative of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

By Mrs. NORTON of New Jersey: Memorial of the Legislature of the State of New Jersey pertaining to special issue of postal stamps commemorative of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONNERY: A bill (H. R. 12535) for the relief of Ellen A. Farrelly; to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 12536) granting an increase of pension to Anna B. Ferris; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12537) granting a pension to Ivan E. Parker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 12538) for the benefit of Morris Fox Cherry; to the Committee on Military Affairs.

By Mr. KELLY: A bill (H. R. 12539) granting an increase of pension to Mary C. Reed; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12540) granting a pension to Emma K. Zimmerman; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12541) granting an increase of pension to Margit B. Skogan; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 12542) granting an increase of pension to Theresa Bracco; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 12543) granting a pension to Sada N. Wilson; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12544) granting an increase of pension to Margaret E. Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12545) granting an increase of pension to Martha Metz; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 12546) granting an increase of pension to Martha J. Kendrick; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 12547) granting an increase of pension to Aurora C. B. Kinney; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 12548) for the relief of Margaret Vaughn; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 12549) granting a pension to Logan Wilson; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 12550) granting an increase of pension to Clarissa Bailey; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 12551) granting a pension to Nettie A. Reed; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12552) granting an increase of pension to Mary O. Putnam; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12553) granting a pension to Susie N. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12554) granting an increase of pension to Mary J. Knoderer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12555) granting an increase of pension to Nancy Jane Mikhlin; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12556) granting an increase of pension to Annis Rose Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12557) granting an increase of pension to Mina B. F. Davis; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 12558) granting an increase of pension to Elizabeth Chatham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12559) granting an increase of pension to Lenora L. Pomeroy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12560) granting an increase of pension to Drusilla Ludwick; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12561) granting a pension to Margaret E. Hayes; to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12562) granting a pension to Lulu Gay; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6157. By Mr. BLOOM: Petition of R. Eisenmann, of 536 West One hundred and thirteenth Street, New York City, and other citizens of New York, protesting against House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

6158. By Mr. BURTON: Resolution of Local No. 39, International Brotherhood Electrical Workers, at a meeting held March 15, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6159. Also, resolution of Carpenters Union No. 1108, Cleveland, Ohio, at a meeting held March 19, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6160. Also, resolution of the Metal Polishers Union, Cleveland, Ohio, adopted at a meeting of March 16, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6161. Also, resolution of the International Molders Union, No. 218, Cleveland, Ohio, adopted at a meeting of March 16, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6162. Also, resolution of the Cleveland Web Pressmen's Union, No. 5, Cleveland, Ohio, adopted at a meeting of March 14, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6163. Also, resolution of International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers Local Union, No. 407, Cleveland, Ohio, adopted at their meeting of March 15, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6164. Also, resolution of the Sailors Union of the Great Lakes, adopted at their meeting of March 19, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6165. Also, resolution of the Marine Firemen, Oilers, Water-tenders, and Coalpassers Union of the Great Lakes, adopted at their meeting of March 20, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the committee on the Civil Service.

6166. Also, resolution of Bill Posters and Billers Union No. 46, Cleveland, Ohio, adopted at their meeting of March 22, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6167. Also, resolution of Journeymen Horse Shoers Union No. 15, Cleveland, Ohio, adopted at their meeting of March 16, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6168. By Mr. CRAIL: Petition of San Pedro Chamber of Commerce for the passage of House Joint Resolution 196, introduced by Congressman Evans of California; to the Committee on Education.

6169. By Mr. COHEN: Petition of the Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be exempt from income tax; to the Committee on Ways and Means.

6170. By Mr. DAVENPORT: Petition of Mary A. Odell relative to increase of widows' pension; to the Committee on Invalid Pensions.

6171. By Mr. DENISON: Petition of various citizens of Marion, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6172. Also, petition of various citizens of Ava, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6173. By Mr. DREWRY: Petition of sundry citizens of Claremont, Va., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6174. By Mr. EVANS of Montana: Petition of Mrs. E. M. Baker and other residents of Rollins, Mont., urging action on Civil War pension increase bill; to the Committee on Invalid Pensions.

6175. By Mr. FAUST: Petition of citizens of Hopkins, Mo., appealing for increases in pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6176. By Mr. ROY G. FITZGERALD: Petition of 24 citizens of Montgomery County, Ohio, praying for the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6177. By Mr. GALLIVAN: Petition of Local No. 179, Iron Molders of North America, Edw. C. Alden, corresponding representative, 68 Waltham Street, Boston, Mass., recommending early and favorable consideration of the so-called Hawes-Cooper convict labor bill (H. R. 7729); to the Committee on the Judiciary.

6178. By Mr. GARBER: Petition of residents of Enid, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

6179. By Mr. GARDNER of Indiana: Petition of W. F. Avery and 43 other citizens of Palmyra, Harrison County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6180. By Mr. HASTINGS: Petition of citizens of Hanna, Okla., in favor of increase of pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6181. By Mr. JENKINS: Petition signed by 28 voters of the tenth congressional district of Ohio, urging immediate relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6182. By Mr. KNUTSON: Petition signed by Fred Trampe, of Swanville, Minn., and others, urging increase in pensions of Civil War widows; to the Committee on Invalid Pensions.

6183. By Mr. KINDRED: Resolution of the Social Hygiene Society of the District of Columbia, urging upon Congress the enactment of House bill 6664, the bill to establish the woman's bureau of the Metropolitan Police Department of the District of Columbia in substantially the same form in which it was introduced in the House of Representatives on December 9, 1927; to the Committee on the District of Columbia.

6184. Also, resolution of the Board of Estimate and Apportionment of the city of New York, to amend section 116 of the Federal income tax law so that the revenues from railroad operations in which the city of New York is financially interested shall be exempt from income tax, as more specifically set forth in said resolution; to the Committee on Ways and Means.

6185. By Mr. KVALE: Petition of several residents of Chippewa County, Minn., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6186. Also, petition of several residents of Glenwood, Minn., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6187. By Mr. LEA: Petition of Edna J. Keeran and 49 other residents, of Princeton, Calif., urging passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6188. Also, petition of W. D. Hill and 57 other residents of Orland, Calif., and of A. J. King and 57 other residents of Yuba City, Calif., protesting against House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6189. By Mr. LINDSAY: Petition of Binney & Smith Co., New York, protesting against the passage of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6190. Also, petition of International Association of Machinists, Washington, D. C., urging support of Congressman LA GUARDIA's amendment to the Senate amendment, requiring that the steamships *Monticello* and *Mount Vernon* shall be reconditioned at the Boston and New York Navy Yards, respectively; to the Committee on the Merchant Marine and Fisheries.

6191. Also, petition of assistant superintendent, Railway Mail Service, second division, New York, praying for support of House bill 11622, providing for reclassification of supervisory officials in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

6192. Also, petition of L. J. Lambert, St. Paul, Minn., urging favorable action on House bill 11756, proposing to correct certain injustices in the promotion list of the Army; to the Committee on Military Affairs.

6193. Also, petition of Jessie Myers, president local union No. 89, V. Y. W. A., Port Jervis, N. Y., urging early action on the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6194. Also, petition of Alfred D. Cook, D. D. S., favoring House bill 5766, providing for a coordination of health activities under the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

6195. Also, petition of Acme Broom Co., Brooklyn, N. Y.; the Brooklyn Broom Works, Brooklyn, N. Y.; and Evans & Liddle (Inc.), Lockport, N. Y., favoring the passage of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6196. By Mr. LOZIER: Petition of 76 citizens of Monroe County, Mo., asking enactment of legislation for the increase of pensions; to the Committee on Invalid Pensions.

6197. By Mr. McDUFFIE: Petition of Lucenda Robenson, of Plateau, Ala., and sundry other citizens of Mobile County, favoring an increase of pension to soldiers and sailors of the Civil War and their widows; to the Committee on Invalid Pensions.

6198. By Mr. MAJOR of Missouri: Petition of citizens of Springfield, Mo., urging the passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6199. By Mr. MAPES: Petition of L. L. Hofstra and 47 other members and friends of the Oakdale Park Christian Reformed Church, of Grand Rapids, Mich., recommending the enactment of House bill 78, the Lanford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

6200. Also, petition of 11 residents of Grand Rapids, Mich., recommending the enactment of additional legislation for the benefit of veterans of the Civil War, their widows, and dependents; to the Committee on Invalid Pensions.

6201. By Mr. MEAD: Petition of Optimist Club, of Buffalo, N. Y., favoring the passage of House bill 11351; to the Committee on Immigration and Naturalization.

6202. Also, petition of Fred Brennison, in opposition to House bill 7940; to the Committee on Agriculture.

6203. By Mr. REID of Illinois: Petition of Olney C. Allen, Jennie M. Conover, and numerous other residents of Aurora and Montgomery, Ill., urging that immediate steps be taken to

bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6204. Also, petition of R. L. Lewis, M. J. Marcuson, and numerous other residents of Batavia, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6205. By Mr. ROWBOTTOM: Petition of Kate Lamb, of Newburg, Ind., that the bill increasing Civil War widows' pension be enacted into law this session of Congress; to the Committee on Invalid Pensions.

6206. By Mr. RUBEN: Petition in opposition to the compulsory Sunday observance law; to the Committee on the District of Columbia.

6207. By Mr. SPEAKS: Petition signed by Louis W. Weber and some 63 citizens of Franklin County, Ohio, urging enactment for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6208. Also, petition signed by Margaret C. Stanton and some 60 residents of Franklin County, Ohio, urging enactment of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6209. By Mr. STALKER: Petition of Mary C. Shannon, of Beaver Dams, N. Y., and other citizens of that vicinity, urging the enactment of legislation carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

6210. Also, petition of Myra Hammond, of Hornell, N. Y., and other citizens of that vicinity, urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6211. Also, petition of Ida B. Keith Ells, of Oswego, N. Y., and other citizens of that vicinity, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

6212. Also, petition of sundry citizens of the district of Lindley, Steuben County, N. Y., urging the enactment of legislation for additional pension for Civil War veterans and widows; to the Committee on Invalid Pensions.

6213. Also, petition of sundry citizens of Trumansburg, N. Y., urging the enactment of legislation for additional pension for Civil War veterans and widows; to the Committee on Invalid Pensions.

6214. By Mr. STRONG of Pennsylvania: Petition of citizens of Armstrong County, Pa., in favor of a general increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6215. By Mr. SUMMERS of Washington: Petition signed by George E. Meyerhoff and 17 others of Ritzville, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6216. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging more liberal pension legislation for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6217. Also, petition of residents of the eighth congressional district of Michigan, protesting against proposed compulsory Sunday observance; to the Committee on the District of Columbia.

6218. By Mr. WARE: Petition of sundry citizens of Campbell County, Ky., urging immediate steps be taken to vote on Civil War pension bill; to the Committee on Invalid Pensions.

6219. By Mr. WASON: Petition of 235 residents of Lebanon, N. H., protesting against the enactment of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

6220. Also, petition of C. F. Dodge and 30 other residents of Warren, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6221. By Mr. WHITE of Colorado: Letters of numerous business men and other citizens, protesting the passage of House bill 9949, to repeal the bankruptcy act; to the Committee on the Judiciary.

6222. Also, petition of sundry citizens of Denver, Colo., praying enactment of pending legislation increasing rates of pensions to veterans of the Civil War and their dependent widows; to the Committee on Invalid Pensions.

6223. Also, petition of Logen Balder, No. 185, Vasa Order of America, Pueblo, Colo., protesting against the national-origins

provision of the immigration act, 1924; to the Committee on Immigration and Naturalization.

6224. By Mr. NELSON of Missouri: Petition signed by various citizens of Boone County, against compulsory Sunday observance bill; to the Committee on the District of Columbia.

6225. By Mr. WOOD: Petition of residents of Rensselaer, Jasper County, Ind., asking that the Civil War pension bill become a law at once; to the Committee on Invalid Pensions.

SENATE

FRIDAY, March 30, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O God, before whose face the generations rise and pass away, we humbly beseech Thee to bless our country, that there may be peace within our gates and prosperity in all our borders. In the light of Thy wisdom and under the guidance of Thy spirit we dedicate ourselves in love and loyalty to the welfare of this Nation. Where it is corrupt, purge it; where it is in error, direct it; where anything is amiss, reform it; where it is right, strengthen and confirm it; where it is in want, furnish it; where it is divided, heal it; that whether in plenty or in want, we may patiently and peaceably seek Thy kingdom and its righteousness, the only full supply and sure foundation both of men and nations. Grant this, O Father, through Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924; and

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 217) providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; and

H. R. 12407. An act to authorize the refund of visa fees in certain cases.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	Frazier	Mayfield	Smoot
Black	George	Metcalf	Steak
Blaine	Gerry	Moses	Stewart
Blease	Gillett	Neely	Stephens
Borah	Goff	Norbeck	Swanson
Bratton	Gooding	Norris	Thomas
Brookhart	Gould	Nye	Tydings
Broussard	Greene	Oddie	Tyson
Bruce	Harrison	Overman	Wagner
Capper	Hawes	Phillips	Walsh, Mass.
Caraway	Hayden	Pine	Walsh, Mont.
Copeland	Heflin	Pittman	Warren
Couzens	Johnson	Ransdell	Waterman
Curtis	Jones	Robinson, Ark.	Watson
Cutting	Kendrick	Sackett	Wheeler
Dill	Keyes	Sheppard	
Edge	King	Shipstead	

Mr. GEORGE. I wish to state that my colleague [Mr. HARRIS] is necessarily absent owing to illness.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

LOCAL ASSOCIATIONS NOT LOBBYISTS

Mr. CARAWAY. I present a letter from the executive secretary of the Washington Council of Social Agencies. It is to